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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1 | CSR | 10- | 1. | 010 |
| Department | | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2220—State Board of Pharmacy Chapter 6—Pharmaceutical Care Standards

EMERGENCY RULE

20 CSR 2220-6.040 Administration by Medical Prescription Order

PURPOSE: This rule establishes procedures for pharmacists to administer drugs and devices pursuant to medical prescription orders.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Bill 195 was passed. This legislation amended the definition of "practice of pharmacy" to include the administration of drugs and devices pursuant to medical prescription orders.

This emergency rule is necessary to preserve a compelling governmental interest requiring an early effective date of the rule to allow the Missouri State Board of Pharmacy to establish a procedure for pharmacists to administer drugs, in particular, vaccinations, per medical prescription orders, which are now covered under Medicare Part D. Effective January 1, 2008, Center for Medicaid Services (CMS) changed the reimbursement structure for immunizations such that Medicare Part D now covers many immunizations formerly cov-

ered by Medicare Part B. Pharmacies are the primary provider of Part D services.

CMS clearly intends for pharmacists to administer these immunizations. CMS bulletin SE0727 states:

Enrollees could obtain a prescription from the physician and bring it to their local network retail pharmacy for filling. In some states, it will already be possible for the vaccine to be administered by the pharmacist. Forty-six states currently allow pharmacists to provide some type of vaccinations. When it is safe to dispense and administer these vaccines in the pharmacy, plans will be exploring utilization of their network pharmacists as a provider of adult Medicare Part D vaccines.

Because pharmacists in Missouri cannot administer these immunizations until this rule is finalized, the CMS changes create billing and reimbursement issues that can deter a patient from receiving the needed immunizations. As described in the bulletin, when a physician now administers a Part D immunization, alternative billing mechanisms may require the patient to pay out-of-pocket full cost and apply to Medicare for reimbursement.

Of the Part D immunizations, the Herpes zoster vaccine (trade name Zostavax), which is used to prevent shingles, is of primary concern. The board has received patient complaints because of inability to access this vaccine. The vaccine is costly, and because it is only reimbursable under Part D, many physician offices do not choose to stock the vaccination. Storage of the vaccine poses even more of a challenge because the product must remain frozen at all times prior to administration. Due to this requirement, the CMS suggested method of a patient obtaining the drug at a pharmacy and taking the drug to a physician for administration is a questionable practice.

The Medicare billing issues and product storage requirements pose a hindrance to patients in need of this immunization. A recent Centers for Disease Control and Prevention (CDC) presentation estimated that there are one (1) million cases of shingles per year in the United States resulting in approximately twelve thousand through nineteen thousand (12,000–19,000) hospitalizations each year. The lifetime risk of developing shingles is approximately thirty-two percent (32%). The average work loss related to shingles is approximately three through seven (3–7) days per episode. A recent CDC survey showed that only 1.9% of the adults to qualify for the Herpes zoster vaccines have received it.

In Missouri pharmacists are often the most accessible health care provider, especially in rural areas of the state. Immediate adoption of rules, authorizing pharmacists to administer drugs per medication order will help prevent unnecessary debilitation and hospitalization of Missouri residents afflicted with shingles, especially in the medically underserved rural areas of the state. Adoption of these rules only through the ordinary rulemaking process will leave the people of the state of Missouri at risk of developing shingles unnecessarily for most of 2008.

Moving this rule forward as an emergency rule will allow pharmacists to provide this important service in a timelier manner to ensure the health of Missouri residents. This is especially important to those residents who live in rural areas of the state who have the largest barriers to health care access.

As a result, the Missouri State Board of Pharmacy finds that there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that require this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under

the circumstances. This emergency rule was filed May 1, 2008, effective May 11, 2008, expires Feb. 18, 2009.

(1) A pharmacist may administer drugs pursuant to a medical prescription order.

(2) The pharmacist may not delegate the administration to another person, except to a pharmacist intern who has met qualifications under subsections (3)(B), (C), and (E) and is working under the direct supervision of a pharmacist qualified to administer drugs pursuant to a medical prescription order.

(3) Pharmacist Qualifications. A pharmacist who is administering drugs pursuant to a medical prescription order must—

(A) Hold a current, unrestricted license to practice pharmacy in this state;

(B) Hold a current provider level cardiopulmonary resuscitation (CPR) certification issued by the American Heart Association or the American Red Cross or equivalent;

(C) Successfully complete a certificate program in the administration of drugs accredited by the Accreditation Council for Pharmacy Education (ACPE) or a similar health authority or professional body approved by the State Board of Pharmacy. The certificate program must cover all routes of administration the pharmacist utilizes;

(D) Complete a minimum of two (2) hours of continuing education per calendar year related to administration of drugs. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal;

(E) Maintain documentation of the above requirements; and

(F) On a yearly basis prior to administering drugs, notify the State Board of Pharmacy of their qualifications to do so. This notification shall include the types of drugs being administered, and a statement that the pharmacist meets the requirements of subsections (A), (B), (C), and (D) of this section.

(4) General Requirements.

(A) A pharmacist shall administer drugs in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC) or in accordance with manufacturer's guidelines.

(B) A pharmacist shall comply with all state and federal laws and regulations pertaining to Vaccine Information Statements and informed consent requirements.

(C) A pharmacist shall have a written policy and procedure covering all aspects of the administration of drugs, including the disposal of used and contaminated supplies and appropriate handling of acute adverse events. The manual shall be reviewed annually and be available for inspection by the State Board of Pharmacy or authorized representative.

(5) Requirements of Medical Prescription Order. The medical prescription order from a licensed prescriber must contain at a minimum the following:

(A) The name of the licensed prescriber issuing the order;

(B) The name of the patient to receive the drug;

(C) The name of the drug and dose to be administered;

(D) The route of administration;

(E) The date of the original order;

(F) The date or schedule, if any, of each subsequent administration; and

(G) A statement that the drug is to be administered by a pharmacist.

(6) Record Keeping.

(A) A pharmacist who administers a drug pursuant to a medical prescription order shall maintain the following records regarding each administration. These records must be separate from the prescription files of a pharmacy.

1. The name, address, and date of birth of the patient;
2. The date, route, and anatomic site of the administration;
3. The name, dose, manufacturer, lot number, and expiration date of the drug;

4. The name and address of the patient's primary health care provider, as identified by the patient;

5. The name or identifiable initials of the administering pharmacist; and

6. The nature of an adverse reaction and who was notified, if applicable.

(B) All records required by this regulation shall be kept by the pharmacist and be available for two (2) years from the date of such record for inspecting and copying by the State Board of Pharmacy and/or its authorized representatives.

(7) Notification Requirements.

(A) A pharmacist administering drugs pursuant to a medical prescription order shall notify the prescriber within seventy-two (72) hours after administration of the following:

1. The identity of the patient;

2. The identity of the drug administered;

3. The route of administration;

4. The anatomic site of the administration;

5. The dose administered; and

6. The date of administration.

(B) In the event of any adverse event or reaction experienced by the patient, the pharmacist shall notify the prescriber within twenty-four (24) hours after learning of the adverse event or reaction.

(C) A pharmacist administering drugs pursuant to a medical prescription order shall report the administration to all entities as required by state or federal law.

AUTHORITY: sections 338.140 and 338.280, RSMo 2000 and section 338.010.1, RSMo Supp. 2007. Emergency rule filed May 1, 2008, effective May 11, 2008, expires Feb. 18, 2009. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER 08-17

Whereas, the severe weather that began on March 31, 2008, created a condition of distress and hazards to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, Executive Order 08-14 was issued on April 1, 2008, declaring a State of Emergency within the state of Missouri and directing the resources of the state of Missouri assist affected jurisdictions and help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

Whereas, Executive Order 08-15 was issued on April 1, 2008, authorizing the Adjutant General of the state of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state; and

Whereas, Executive Orders 08-14 and 08-15 expire on May 1, 2008; and

Whereas, the Director of the State Emergency Management Agency has advised me that many Missouri rivers remain near or above flood stage and that subsequent severe storm systems continue to have a significant adverse impact on communities throughout the state, and has requested an extension of the May 1, 2008, deadlines; and

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the state of Missouri, hereby extend the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15 for the purposes of protecting the safety and welfare of our fellow Missourians.

This order shall terminate on June 1, 2008, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hercunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of April, 2008.

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 1—Wildlife Code: Organization

PROPOSED AMENDMENT

3 CSR 10-1.010 Organization and Methods of Operation. The commission proposes to delete subsections (3)(A)–(K) and add new subsections (3)(A)–(L).

PURPOSE: This amendment updates responsibilities carried out by various divisions within the Department of Conservation.

(3) The department carries out its programs through the following major administrative units:

[(A) Fisheries manages lakes, reservoirs and streams for public fishing; acquires stream access sites and lakes and

operates hatcheries; conducts an intensive trout management program; provides fishery management advice; conducts water pollution impact investigations and an ongoing research program to measure fish populations and trends, determine limiting factors and develop better management techniques.

(B) Wildlife administers hunting seasons; acquires, develops and manages public hunting and other conservation areas; assists private landowners with wildlife habitat efforts; cooperates with federal and state agencies and farm organizations in wildlife management; and conducts research to provide current information on the status of wildlife populations, develop improved management methods and promote preservation and enhancement of wildlife habitat.

(C) Forestry controls forest fires; manages many conservation areas; provides rural fire protection training and assistance; planning advice in urban and community forestry, forest products utilization and marketing service, forest insect and disease surveys; provides advice and assistance to private timber landowners; conducts research on forest management topics; and provides low cost tree planting stock to Missouri residents.

(D) Protection carries out the department's wildlife law enforcement program. Conservation agents serve as the primary law enforcement arm of the department and assist in the full range of conservation programs in their assigned districts. The division also provides training in the safe and responsible use of firearms, with emphasis on ethics and property rights of others, and develops and operates recreational shooting ranges.

(E) Outreach and Education administers the department's public information and education programs. Education services and programs include operating nature and visitor centers, developing interpretive exhibits, administering urban fishing programs, teaching outdoor skills, acting as a clearinghouse for conservation education projects, and providing conservation education curricula, training and materials to teachers and youth leaders. Outreach produces the department's monthly magazine, popular and technical publications, radio and television programs and video productions; issues news releases and coordinates with news media. Metropolitan services in St. Louis, Kansas City and Springfield include coordinators and media information specialists who provide information to the public, work with urban personnel from other divisions to deliver services to the public, and assess public opinion on conservation issues and public demand for conservation programs.

(F) Administrative Services administers the department's support services of information technology, design and development, and business and support. Information technology provides direction and management of the department's information technology assets, including computer hardware and software systems, telephone systems, two-way radio and other telecommunications systems; and coordination of those systems with other state agencies. Design and development administers the department's construction/development program and is responsible for development of areas owned and/or leased by the department. Related services include property surveys of all department lands by registered surveyors, feasibility studies and provision of data for environmental assessments. Business and support collects and processes funds received; processes accounts payable; distributes hunting, fishing and special permits; audits permit distributors; maintains inventory records, including the department's real property holdings;

coordinates federal aid programs and funds; coordinates procurement, repair and disposition of fleet, aircraft, marine and other mechanical equipment; maintains a distribution center and warehouse for department publications; operates offset printing, mailing and sign production services; and provides building and grounds maintenance.

(G) Private Land Services provides technical assistance and resource training to private landowners; participates in media and other outreach efforts for resource management; coordinates with other governmental agencies and private organizations to integrate fish, forest, wildlife and natural community considerations with agriculture and other private land initiatives; provides cost-share to assist landowners with priority resource needs; and provides wildlife damage control assistance.

(H) Resource Science Division is the center of the department's resource inventory, monitoring, and research. The division helps department area, regional, and issue managers understand and conserve the biological diversity of Missouri's fish, forests, and wildlife. Other programs administered by this division include water pollution impact investigations, natural areas designation and management, endangered species activities; specialized service in natural history interpretation and coordination of management for non-consumptive uses of wildlife resources and lands.

(I) Human Resources recruits employees; maintains personnel records, benefits and compensation; administers the group insurance program, workers' compensation and safety programs; conducts the affirmative action program and new employee orientation, as well as in-service training in human relations, personal communications and supervisory skills.

(J) General Counsel provides legal advice to the commission and administrative staff; aids in formulating policy; advises in the formulation of regulations; and performs title search related to the acquisition of real property.

(K) Internal Auditor reviews operations and programs to assure that resources are used efficiently, and provides the commission and administration with information useful in directing and controlling department operations.]

(A) Fisheries Division manages five (5) warmwater fish hatcheries (for rearing the fish needed to stock public waters, suitable private lakes, and waters used for special fishing events and aquatic resource education) and five (5) coldwater fish hatcheries (for rearing trout needed to stock public waters and trout parks); administers the Stream Team program; provides fisheries management of public impoundments, rivers, and streams; offers technical guidance in stream and lake management to private landowners and other public agencies; oversees the acquisition and development of public fishing and boat access areas; administers community, agency, and partnership agreements; participates in recovery plans of threatened or endangered aquatic species; and educates and informs the public about aquatic resources through technical and popular written materials, electronic media, presentations to groups, workshops, interviews to journalists, and personal contacts;

(B) Wildlife Division assists with the administration of hunting seasons; acquires, develops, and manages public hunting and other conservation areas; assists private landowners with wildlife habitat efforts; cooperates with federal and state agencies and farm organizations in wildlife management; develops improved management methods and promotes preservation and enhancement of wildlife habitat; provides oversight in the agency for species of conservation concern; restores natural communities and recognizes the best examples through the Missouri Natural Areas Program; and provides international support for Missouri birds nesting in Canada and Central America;

(C) Forestry Division controls forest fires; manages many conservation areas; provides rural fire protection, training, and assistance; provides planning advice in urban and community forestry; provides forest products utilization and marketing advice; provides advice and technical assistance to private forestland owners; provides educational programs about forests and forest management; and provides low-cost tree planting stock to Missouri residents;

(D) Protection Division carries out the department's resource law enforcement program. Conservation agents perform a full range of conservation programs in their assigned districts and serve as the local representative for the department. The division also provides training in the safe and responsible use of firearms, investigates hunting-related firearms injuries, and coordinates the Operation Game Thief, Share the Harvest, and Interstate Wildlife Violator Compact programs;

(E) Outreach and Education Division administers the department's public information and education programs. Education programs include operating nature centers, visitor centers, and shooting ranges, developing interpretive exhibits, administering the hunter education program, teaching outdoor skills, and providing conservation education curricula, training, and materials to teachers and youth leaders. Outreach produces the department's magazine, books, and other publications; creates the Missouri Department of Conservation (MDC) website, digital media, audio, and video productions; issues news releases and coordinates with news media; and coordinates the Missouri Master Naturalist, Grow Native!, and No More Trash programs;

(F) Administrative Services Division administers the department's support services of information technology, financial, and business and support. Information technology provides direction and management of the department's information technology assets, including computer hardware and software systems, telephone systems, two-way radio, and other telecommunications systems; and coordination of those systems with other state agencies. Financial services collects and processes funds received; processes accounts payable; and coordinates procurement. Business and support distributes hunting, fishing and special permits; audits permit distributors; maintains inventory records, including the department's real property holdings; provides repair and disposition of fleet, aircraft, marine, and other mechanical equipment; maintains a distribution center and warehouse for department publications; and operates offset printing, mailing, and sign production services;

(G) Design and Development Division is responsible for providing engineering, architectural, surveying, and construction/maintenance services for the department. Services include design and construction of engineering and architectural projects as part of implementation of the construction development program of the department. Surveying services include engineering surveying for construction development projects and land surveying for property boundary delineation. Construction maintenance services include renovation and repair of department infrastructure and maintenance of department areas and facilities;

(H) Private Land Services Division provides technical assistance and resource training to private landowners; participates in media and other outreach efforts for resource management; coordinates with other governmental agencies and private organizations to integrate fish, forest, wildlife, and natural community considerations with agriculture and other private land initiatives; provides cost-share to assist landowners with priority resource needs; and provides wildlife damage control assistance;

(I) Resource Science Division is the center of the department's resource inventory, monitoring, and research. The division helps department managers understand and conserve the biological diversity of Missouri's fish, forests, and wildlife. Other services of this division include: investigations of fish and wildlife impacted

by pollution and contaminants; statewide information pertaining to fish, wildlife and plant populations; surveys of habitats and natural communities; recommendations for Wildlife Code regulations; surveys of attitudes and satisfaction levels of constituents; surveys to determine hunter and angler harvests; monitoring of species of conservation concern; identification of plants, fish, and wildlife; development of management techniques for special natural communities and invasive species; and storage and development of geospatial databases of Missouri's natural resources;

(J) Human Resources Division provides a full range of services that help the department attract and retain a diversified, dynamic workforce. Services and programs include recruitment and selection, including Equal Employment Opportunity and Affirmative Action; compensation and classification administration; policy administration, including law and regulation compliance and employee relations; employee benefits administration, including administration of a comprehensive group life, medical, accidental death and dismemberment, and dependent life insurance program; maintain official employee documents and records; manages a safety program (including workers' compensation); and new employee orientation, as well as in-service training in human relations, personal communications, and supervisory skills;

(K) General Counsel provides legal advice to the commission and administrative staff and provides legal counsel in matters of litigation; aids in formulating policy; advises in the formulation of regulations; and performs review of legal documents, agreements, and memorandums of understanding. Deputy Counsel performs title and document review relating to the acquisition of real property; assists General Counsel as needed; and supervises the Realty Services and Grants and Donations staff; and

(L) Internal Auditor reviews operations and programs to assure that resources are used efficiently and provides the commission and administration with information useful in directing and controlling department operations. Internal Auditor also serves as the department's Custodian of Records. Assistant Internal Auditor assists the Internal Auditor in performing audit responsibilities and also serves as the department's hearing officer for privilege suspensions associated with wildlife code and various other violations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend section (1).

PURPOSE: This amendment removes Watershed Committee of the Ozarks (Valley Water Mill Lake).

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

[(U) Watershed Committee of the Ozarks (Valley Water Mill Lake)]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001, effective Oct. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to amend sections (3) and (4).

PURPOSE: This amendment prohibits the taking of live bait by dip net or throw net at thirty (30) St. Louis City and St. Louis County lakes, and adds the atlatl as a permitted method of taking carp, buffalo, suckers, and gar during statewide seasons in designated lakes under management agreement with the department.

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net[,], except at the following areas:

(A) Ballwin (New Ballwin Park Lake, Vlasik Park Lake)

(B) Bridgeton (Kiwamis Lake)

(C) Ferguson (January-Wabash Park Lake)

(D) Jennings (Koeneman Park Lake)

(E) Kirkwood (Walker Lake)

(F) Overland (Wild Acres Park Lake)

(G) St. Louis City (Benton Park Lake, Carondelet Park-oathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)

(H) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes #1, #2, and #3, Tilles Park Lake, Veteran's Memorial Park Lake)

(4) Carp, buffalo, suckers, and gar may be taken by **atlatl**, gig, bow, or crossbow during statewide seasons on the following lakes:

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to amend sections (2), (11), and (14).

PURPOSE: This amendment removes St. Charles County (Henry's Pond, Quail Ridge Park Lake) from the rule and removes the daily limit of two (2) black bass at Kirksville (Hazel Creek Lake).

(2) The daily limit for black bass is two (2) on the following lakes:

[(P)] Kirksville (Hazel Creek Lake)

[(Q)](P) Kirkwood (Walker Lake)

[(R)](Q) Mexico (Teal Lake)

[(S)](R) Mineral Area College (Quarry Pond)

[(T)](S) Overland (Wild Acres Park Lake)

[(U)](T) Potosi (Roger Bilderback Lake)

[(V)](U) Sedalia Water Department (Spring Fork Lake)

[(W)](V) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

[(X)] St. Charles County (Quail Ridge Park Lake)

[(Y)](W) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)

[(Z)](X) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(AA)](Y) Unionville (Lake Mahoney)

[(BB)](Z) University of Missouri (South Farm R-1 Lake)

[(CC)](AA) Warrensburg (Lion's Lake)

[(DD)](BB) Watkins Mill State Park Lake

[(EE)](CC) Wentzville (Community Club Lake)

[(FF)](DD) Windsor (Farrington Park Lake)

(11) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in (4), (8), (9), and (10) of this rule:

[(K)] St. Charles County (Quail Ridge Park Lake)

[(L)](K) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)

[(M)](L) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(N)](M) Wentzville (Community Club Lake)

(14) On *[St. Charles County (Henry's Pond) and]* Missouri Western State University (Everyday Pond), fish must be returned to the water unharmed immediately after being caught except that trout may be taken *[from Missouri Western State University (Everyday Pond)]* from February 1 through October 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 631—Leadership Academy**

PROPOSED RESCISSION

5 CSR 80-631.010 Administrator Assessment Center. This rule established guidelines for the administrator assessment center that required all candidates applying for an initial Missouri school administrator certificate to satisfactorily complete an assessment process designed and implemented by the department prior to certification.

PURPOSE: This rule is rescinded because the responsibility for assessment of all school leaders was transferred to the Educational Testing Service (ETS) in 1998. The department no longer operates an assessment center, rather it is contracted with ETS.

AUTHORITY: section 168.405, RSMo 1994. This rule previously filed as 5 CSR 20-630.010. Original rule filed Oct. 30, 1987, effective Feb. 26, 1988. Amended: Filed Oct. 3, 1989, effective Jan. 26, 1990. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed Sept. 16, 1997, effective March 30, 1998. Rescinded: Filed April 30, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-2.150 Time Schedule for Compliance. This rule specified the time schedule for compliance with regulations. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/ruleindex.htm.

PURPOSE: This rule specifies the time schedule for compliance with regulations. This rule is proposed for rescission because it is outdated, resulting in confusion in the regulated community regarding the time schedule for compliance of existing and new installations. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the public hearing testimony on this rule-making verifying that they are obsolete.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Rescinded: Filed April 17, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., July 31, 2008. The public hearing will be held at the Inn at Grand Glaize, Grand Ballroom, Highway 54 and Lake Road 40, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., August 7, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution
Control Rules Specific to the Springfield-Greene County
Area

PROPOSED RESCISSION

10 CSR 10-4.140 Time Schedule for Compliance. This rule specified the time schedule for compliance with regulations. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/ruleindex.htm.

PURPOSE: This rule specifies the time schedule for compliance with regulations. This rule is proposed for rescission because it is outdated, resulting in confusion in the regulated community regarding the time schedule for compliance of existing and new installations. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the public hearing testimony on this rule-making verifying that they are obsolete.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Rescinded: Filed April 17, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., July 31, 2008. The public hearing will be held at the Inn at Grand Glaize, Grand Ballroom, Highway 54 and Lake Road 40, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., August 7, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-5.250 Time Schedule for Compliance. This rule specified the time schedule for compliance with regulations. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department

of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/ruleindex.htm.

PURPOSE: This rule specifies the time schedule for compliance with regulations. This rule is proposed for rescission because it is outdated, resulting in confusion in the regulated community regarding the time schedule for compliance of existing and new installations. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the public hearing testimony on this rule-making verifying that they are obsolete.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Rescinded: Filed April 17, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., July 31, 2008. The public hearing will be held at the Inn at Grand Glaize, Grand Ballroom, Highway 54 and Lake Road 40, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., August 7, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 30—Child Support Enforcement Chapter 4—Income Withholding

PROPOSED RESCISSION

13 CSR 30-4.010 Interstate Income Withholding Procedure. This rule enhanced the enforcement of support obligations by providing a quick and effective procedure for withholding income derived in Missouri to enforce support orders of other jurisdictions and by requiring that income withholding, to enforce support orders obtained in Missouri, be sought in other jurisdictions.

PURPOSE: This rule is being rescinded as it is outdated and obsolete due to statutory and procedural changes.

AUTHORITY: section 454.400, RSMo Supp. 1990. Emergency rule filed Sept. 17, 1986, effective Sept. 27, 1986, expired Jan. 25, 1987. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Emergency rule filed Feb. 16, 1993, effective Feb. 26, 1993, expired June 25, 1993. Emergency amendment filed April 13, 1993, effective June 22, 1993, expired Oct. 19, 1993. Amended: Filed Feb. 16, 1993, effective Aug. 9, 1993. Rescinded: Filed April 22, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Family Support Division, Janel R. Luck, Director, 615 Howerton Court, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 700—Insurance Licensing Chapter 1—Insurance Producers

PROPOSED RULE

20 CSR 700-1.148 Reasonable Supervision in Indexed and Fixed Annuity Sales

PURPOSE: This rule aids in the interpretation of section 375.141.1(8), RSMo, with respect to the demonstration of incompetence, untrustworthiness, or financial irresponsibility by producers in the offer, sale, or exchange of indexed or fixed annuity products.

(1) The standards of conduct codified in this rule reflect the professionalism of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Individual Producers. Each individual producer, prior to recommending or selling any indexed or fixed annuity contract to any person, shall be under a supervisory system meeting the standards pursuant to this rule by either an authorized insurer in this state or a qualified third party under contract with the insurer;

(B) Supervisory System.

1. An insurer issuing indexed annuity contracts in this state shall assure that a system to supervise producers, which is reasonably designed to achieve compliance with rule 20 CSR 700-1.146(1)(B), is established and maintained under this rule. An insurer issuing fixed annuity contracts in this state shall assure that a system to supervise producers, which is reasonably designed to achieve compliance with rule 20 CSR 700-1.146(1)(C), is established and maintained under this rule. A supervisory system shall provide, at a minimum, for the following:

A. The establishment and maintenance of written procedures reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 and this rule; and

B. Conducting periodic reviews of records that are reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 and this rule;

2. An insurer may establish and maintain such a system directly, or may contract with a third party, including a general agent or independent agency (supervising entity), to establish and maintain a system of supervision as required by this rule;

3. An insurer, which elects to contract with a supervising entity, shall make reasonable inquiry to assure that the supervising entity maintains licensure as a business entity producer or individual producer, as appropriate, with the department and is performing the supervisory functions under this rule, and shall immediately report to the director any failure to perform the functions as required by this rule;

4. A supervising entity contracted to establish and maintain the supervisory system required by this rule shall hold an effective

license as a producer with the director;

5. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

A. Annually obtain a certification from the supervising entity that the supervising entity holds an effective license as a producer; and

B. Annually obtain a certification from the supervising entity senior manager who has the responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent that the supervising entity is performing the functions as required by section (1) of this rule; and

C. Based on reasonable selection criteria, periodically select supervising entities contracting under this rule for a review to determine whether the supervising entity is performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances;

6. A supervising entity contracted to establish and maintain the supervisory system required by this rule shall promptly, when requested by the insurer pursuant to paragraph (1)(B)5., give certification as provided in paragraph (1)(B)5. or immediately report to the insurer and the director in writing it is unable to meet the certification criteria;

(C) Supervising Entity as a Producer. The failure of any supervising entity contracted to establish and maintain the supervisory system required by this rule, to establish and maintain written procedures and policies reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 or this rule, shall be subject to discipline or disqualification under section 375.141, RSMo for failure to comply with this conduct rule and for materially aiding individual producers in failing to comply with rule 20 CSR 700-1.146; and

(D) Record Keeping. Records required to be maintained by this rule may be maintained in paper, photographic, microprocess, magnetic, mechanical, or electronic media or by any process that accurately reproduces the document.

1. Suitability Records. An insurance producer shall maintain records of the information collected from the customer and other information used in making any recommendation of an indexed or fixed annuity for five (5) years after the insurance transaction is completed by the insurer. Pursuant to its duty to supervise, a supervising entity or insurer may perform this obligation to maintain records.

2. Supervision Records. An insurer or a supervising entity shall maintain records related to actions performed pursuant to the supervisory system as implemented under this rule for three (3) years from the date of each action performed pursuant to its system.

(2) The standards of conduct and supervision in this rule shall not apply to the following:

(A) Unless a producer is making a recommendation to an individual plan participant, any annuity used to fund—

1. An employee pension or welfare benefit plan that is covered by Employee Retirement Income Security Act (ERISA);

2. Any tax-qualified, employer-sponsored retirement or benefit plan that meets the requirements of *Internal Revenue Code* Sections 401(a), 401(k), 403(b), 408(k), or 408(p);

3. Any government or church plan that meets the requirements of *Internal Revenue Code* Section 414;

4. Any government or church welfare benefit plan, or any deferred compensation plan of a state or local government or tax-exempt organization, that meets the requirements of *Internal Revenue Code* Section 457;

5. Any nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor; or

(B) Any annuity transaction used to fund settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(3) No person shall materially aid any other person in any violation or failure to comply with any standard set forth in this rule.

AUTHORITY: section 374.045, RSMo 2000 and sections 375.141 and 375.143, RSMo Supp. 2007. Original rule filed April 30, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately two thousand dollars (\$2,000) per entity initially and approximately seventy-two thousand eight hundred thirty dollars (\$72,830) per entity annually.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:00 a.m. on July 9, 2008. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on July 16, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

| | |
|-----------------------|--|
| Rule Number and Name: | 20 CSR 700-1.148 Reasonable Supervision in Indexed and Fixed Annuity Sales. |
| Type of Rulemaking | Proposed Rule |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classifications by types of the business entities which would likely be affected: | Annual estimate as to the cost of compliance with the rule by the affected entities: |
|---|--|---|
| 377 Insurers | Insurers who have written premium for individual covered annuity contracts | <p>Development of Suitability Forms (1-time cost): 377 Insurers x 40 hours x \$50 = \$754,000 or \$2,000 per insurer</p> <p>Annual Supervision: 66,652 Insurance Producers x 8 hours x \$50 = \$27,460,800 Or approximately \$72,830 per Insurer</p> |

III. WORKSHEET & ASSUMPTIONS

This proposed rule adds a requirement that an insurer issuing covered annuity contracts establish a system to supervise producers to achieve compliance with Rule 20 CSR 700-1.146 (1)(B). The supervisory system will require periodic review of records.

2006 data reflects that there are 377 insurers who have written premium for individual covered annuity contracts. The department assumes development and implementation of a supervisory system including suitability forms will require 40 hours per insurer at a rate of \$50.00 per hour. Total one-time costs for development and implementation of systems:

$$377 \times 40 \times 50 = \$754,000$$

Average one-time cost per insurer would be approximately \$2,000.

Ongoing supervision with annual review is estimated at 8 hours per producer per year at a rate of \$50.00 per hour. Total estimated cost for supervision and reviews:

$$68,652 \times 8 \times 50 = \$27,460,800$$

Average cost per insurer would be approximately \$72,830

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 1—Organization**

PROPOSED AMENDMENT

20 CSR 1100-1.010 General Organization. The director of the Division of Credit Unions is amending section (1).

PURPOSE: This amendment is to accurately reflect the name of the department the Division of Credit Union now operates under.

(1) The Division of Credit Unions is a division of the *[Department of Economic Development]* **Department of Insurance, Financial Institutions and Professional Registration.**

AUTHORITY: section 370.100, RSMo [1986] 2000. This rule originally filed as 4 CSR 100-1.010. Original rule filed June 8, 1976, effective Sept. 1, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 30, 1981. Moved to 20 CSR 1100-1.010, effective Aug. 28, 2006. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 301 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED RULE

20 CSR 1100-2.012 Accuracy of Advertising and Use of Credit Union Name

PURPOSE: This rule explains what is allowed in the use of advertising and when a credit union uses an assumed name, also known as a "dba" (doing business as).

(1) No insured credit union may use any advertising (which includes print, electronic, or broadcast media, displays and signs, stationery, and other promotional material) or make any representation which is inaccurate, misleading, or deceptive in any particular manner, or which in any way misrepresents its services, contracts, or financial condition, or which violates the requirements of the National Credit Union Administration's Truth In Savings Regulation 707.8. The exception to this section is the approved use of an assumed name as described in sections (4) through (7) of this rule.

(2) If the director notifies a credit union that an advertisement is deemed to be inaccurate, misleading, or deceptive, the credit union will have fifteen (15) days following receipt of the notification to pro-

vide the director with information substantiating the truthfulness of the advertisement.

(3) The use by any person, co-partnership, association, or corporation, except credit unions formed under the provisions of this chapter or any association composed exclusively of credit unions, including any service corporation wholly owned by credit unions or an association of them, of any name or title which contains the words "credit union" shall be a misdemeanor.

(4) Subject to the requirements of this rule, a credit union may adopt an assumed name to be used in advertising or signage, provided that the credit union uses its official charter name in communications with the division's office and for share certificates, signature cards, loan agreements, account statements, checks, drafts, and other legal documents. The assumed name may also be used in the above materials provided that it is clearly identified as such (e.g., ABC Credit Union dba XYZ Credit Union).

(5) A credit union shall not use an assumed name until it has received written approval from the director and has registered the name with the secretary of state.

(6) The director shall not issue approval to use an assumed business name if, by the director's determination, the designation may confuse or mislead the public, or if it is not readily distinguishable from, or is too similar to a name of another credit union doing business in this state. The director shall also make this determination in the event a credit union requests to change its official charter name.

(7) It is the responsibility of the individual credit union to comply with state and federal law applicable to corporate names.

(8) A credit union that intends to use an assumed name shall take reasonable steps to ensure that use of the assumed name will not result in confusion to the extent that its different facilities will be mistaken as different credit unions or that the shares deposited at or through the different facilities are separately insured from those of the other facilities.

(9) Each credit union will take the necessary steps to follow the National Credit Union Administration's requirements for the official sign display noting federal insurance.

(10) Any advertising that mentions share or savings accounts insurance provided by a party other than federal insurance must clearly explain the type and amount of such insurance and the identity of the carrier and must avoid any statement or implication that the carrier is affiliated with the federal government.

AUTHORITY: section 370.071, RSMo Supp. 2007 and section 370.360, RSMo 2000. Original rule filed April 29, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Division of Credit Unions, 301 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

20 CSR 1100-2.030 Surety Bond Requirement. The director of the Division of Credit Unions is amending section (1) and adding new sections (3) through (7).

PURPOSE: This proposed amendment clarifies issues pertaining to surety bond coverage required for Missouri state-chartered credit unions.

(1) All credit unions are required to carry a surety blanket bond with the types and amounts of coverage required to qualify for and maintain, if required, federal share insurance **as stated in National Credit Union Association (NCUA) Rules and Regulations, Part 713, and in addition** must provide for faithful-performance-of-duty coverage for any officer or employee.

(3) All credit unions must use a basic bond form that has been approved by the NCUA board unless prior written approval has been acquired from the director.

(4) All credit unions should maintain increased coverage above the minimum required in section (1), equal to the greater of either of the following amounts within thirty (30) days of discovery of the need for such increase:

(A) The amount of daily cash plus anticipated daily money receipts on any of the credit union's premises; or

(B) The total amount of the credit union's money in transit in any one (1) shipment.

(C) Increased coverage is not required when the credit union temporarily increased its cash fund because of unusual events which cannot reasonably be expected to recur.

(5) Any aggregate limit of liability provided for in a surety blanket bond policy must be at least twice the single loss of liability. This requirement does not apply to optional insurance coverage.

(6) The maximum amount of deductible may not exceed the limit stated in NCUA Rules and Regulations, Part 713.

(A) Any deductibles in excess of the above amounts must receive the prior written permission of the director.

(B) A deductible may not exceed ten percent (10%) of a credit union's Irrevocable Reserves unless a separate Contingency Reserve is set up for the excess. In computing the maximum deductible, valuation accounts such as the allowance for loan losses cannot be considered.

(7) For purposes of this regulation, the term surety bond is synonymous with the term fidelity bond.

AUTHORITY: section 370.100, RSMo [1994] 2000. This rule originally filed as 4 CSR 100-2.030. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed Sept. 30, 1996, effective March 30, 1997. Moved to 20 CSR 1100-2.030, effective Aug. 28, 2006. Amended: April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 370 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

20 CSR 1100-2.040 Loans. The director of the Division of Credit Unions is amending section (3), deleting subsection (3)(A), consolidating subsection (3)(B) into section (3), amending subsections (4)(A) and (4)(C), and adding section (5).

PURPOSE: This amendment removes outdated language which assumes all credit unions have a credit committee and removes the requirement that board minutes include the board member's account number for privacy purposes. The amendment also cautions credit unions of the potential for insider abuse in the purchasing of repossessed collateral.

(3) In processing the loan application of a member of the board of directors or of the credit or supervisory committee where the official makes application to the credit union of which s/he is an official—], **the loan application must be approved by the loan officer in the manner provided in the Credit Union Act and the bylaws of the credit union adopted and where the loan is so approved.**

[(A) The loan application to be approved must receive the majority approval of the members of the credit committee present at the meeting at which the loan application is considered; or]

[(B) The loan application must be approved by the loan officer in the manner provided in the Credit Union Act and the bylaws of the credit union adopted and where the loan is so approved.]

(4) When a member of the board of directors or of the credit or supervisory committee makes application to the credit union of which s/he is an official—

(A) The approval of the loan application shall be reported at the next regularly scheduled meeting of the board of directors. The minutes of the meeting of the board shall include *[number of the account,]* the name of applicant and amount of loan;

(C) Any loan to a member of the board of directors or to a member of the supervisory or credit committee that becomes sixty (60) days or more delinquent shall be reported to the board of directors by the president or manager at the next board meeting following the discovery of the delinquency. That report shall be recorded in the board minutes. **A copy of this report shall be forwarded by mail to the director of the Division of Credit Unions.** The board then shall act to make appropriate arrangements to bring the loan(s) current. Arrangements to bring the loan current shall be on terms no more favorable than those available to other members and be acceptable to the director of the Division of Credit Unions. In no event shall a loan to an official become more than ninety (90) days delinquent nor shall any loan remain in a delinquent status *[more than one hundred eighty (180) days]* of more than sixty (60) days in

any one hundred eighty (180) days of the previous twelve (12) calendar months;

(5) It is highly recommended that employees and elected officials and their family members refrain from bidding and/or purchasing assets, such as vehicles, that were previously repossessed by the credit union. At a minimum, the credit union's board of directors must adopt a clear and concise policy regarding this type of transaction and implement the proper steps to ensure the policy is followed which should include preventing the possibility of insider abuse, which includes a bidding process.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.040. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 370 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 1100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

PROPOSED AMENDMENT

20 CSR 1100-2.060 Delinquent Loan and Extension Agreements Reporting Procedures. The director of the Division of Credit Unions is amending section (7).

PURPOSE: This amendment is designed to clarify the procedures regarding the reporting and definition of extension agreements.

(7) The proper control of extension agreements is of considerable significance and is singled out for special attention. Extension agreements, by their very nature, may lend themselves to misuse and [should] must be monitored carefully by the board of directors at least quarterly. For purposes of this regulation, extension agreements do not include changes to payment schedules to facilitate changes in a borrower's pay schedule, assuming the borrower is current. However, for purposes of this regulation, the reporting of extension agreements does include the refinancing of delinquent loans for the purpose of removing them from the delinquent loan list or changing their delinquent status.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.060. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 370 W. High St., Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 1100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

PROPOSED AMENDMENT

20 CSR 1100-2.130 Credit Union Investments: United States Government Securities and Obligations. The director of the Division of Credit Unions is amending section (1), amending section (2), deleting subsections (2)(A) and (2)(B), adding section (3), and adding subsections (3)(A) and (3)(B).

PURPOSE: This amendment removes non-existent investment options and gives parity to state credit unions to purchase any investment a federal credit union may under federal regulations.

(1) The following list of securities and obligations of the federal government of the United States of America is approved for investment by Missouri credit unions: United States Savings and Treasury Bonds acquired by a direct purchase[;], [Inter-Governmental Credit Union (ICU) Services Corporation Federal Securities Investment program,] Federal Intermediate Credit Bank Debentures, Federal Home Loan Bank Notes, Federal Home Loan Bank Board Debentures, Federal Land Bank Bonds, [Central Bank and Bank for Cooperative Debentures,] Federal National Mortgage Association, and Government National Mortgage Association.

(2) [The listed investments are considered safe for all credit unions without regard to their size or management ability.] In addition, any state-chartered credit union may invest in any instrument that is acceptable for a federal credit union to invest in under federal rules and regulations.

[(A) Further, credit unions are cautioned to take adequate time and thought before investing in long-term, nonredemption-type securities.]

[(B) Subsidiary ledgers shall be maintained to detail multiple investment transactions.]

(3) The listed investments are considered safe for all credit unions without regard to their size or management ability.

(A) Further, credit unions are cautioned to take adequate time and thought before investing in long-term, nonredemption-type securities.

(B) Subsidiary ledgers shall be maintained to detail multiple investment transactions.

AUTHORITY: section 370.100, RSMo [1986] 2000. This rule originally filed as 4 CSR 100-2.130. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 301 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

20 CSR 1100-2.135 Credit Union Investments: Other. The director of the Division of Credit Unions is adding section (5).

PURPOSE: This amendment gives parity to state credit unions to purchase any investment a federal credit union may under federal regulations.

(5) In addition, any state-chartered credit union may invest in any instrument that is acceptable for a federal credit union to invest in under federal rules and regulations.

AUTHORITY: section 370.075(7), RSMo [1986] 2000. This rule originally filed as 4 CSR 100-2.135. Emergency rule filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Original rule filed March 12, 1984, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed Oct. 12, 1988, effective Feb. 11, 1989. Moved to 20 CSR 1100-2.135, effective Aug. 28, 2006. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 301 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

20 CSR 1100-2.205 Deposit and Securing of Public Funds. The director of the Division of Credit Unions is amending the title, amending section (2), and deleting subsections (2)(A)–(2)(E).

PURPOSE: This amendment is to clarify a credit union's ability to acquire public deposits and to clarify a credit union's inability to pledge assets other than deposits of public funds.

(2) [Political subdivisions and other public entities may invest funds that are not immediately needed for their intended use. For such investments, certain conditions must be met, which include placing the funds in a credit union. The credit union must arrange for the deposit of the funds in certificates of deposit. Each certificate of deposit must be insured by the National Credit Union Share Insurance Fund. The credit union must act as custodian for the public entity with respect to the certificate of deposit. The credit union must receive an equal amount of deposits from customers of other credit unions to that of the public funds initially placed by the public entity. These public funds may be accepted provided the following occur:] No credit union may pledge its assets to secure or collateralize deposits other than deposits or public funds held by a political subdivision. The only assets allowed to be pledged in this instance will be those that have or are currently deemed to be eligible to be pledged by the Missouri state treasurer.

[(A) The public funds are invested through a credit union, which has been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and such credit unions enter into a written agreement with the public entity;

(B) The selected credit union arranges for the deposit of the public funds in certificates of deposit in one (1) or more credit unions wherever located in the United States, for the account of the public entity;

(C) Each such certificate of deposit issued by credit unions as provided in subsection (B) of this section is insured by the National Credit Union Share Insurance Fund for one hundred percent (100%) of the principal and accrued interest of the certificate of deposit;

(D) The selected credit union acts as custodian for the public entity with respect to the certificate of deposit issued for its account; and

(E) At the same time that the public funds are deposited and the certificates of deposit are issued, the selected credit union receives an amount of deposits from customers of other credit unions equal to the amount of the public funds initially invested by the public entity through the selected credit union.]

AUTHORITY: sections 110.060, [148.660] 362.190, 362.490, and 370.070, [and] RSMo 2000, sections 30.270, 370.071, and 370.400, RSMo Supp. [2004] 2007, and section 107 (12 U.S.C. 1757). This rule originally filed as 4 CSR 100-2.205. Emergency rule filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Original rule filed March 12, 1984, effective June 11, 1984. Amended: Filed Nov. 1, 2004, effective April 30, 2005. Moved to 20 CSR 1100-2.205, effective Aug. 28, 2006. Amended: Filed April 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director, Division of Credit Unions, 370 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED RULE

**20 CSR 1100-2.230 Security Program, Report of Crime and
Catastrophic Act and Bank Secrecy Act Compliance: Federal
Insurance Requirements**

PURPOSE: This rule is to serve as a reminder of the requirement for all federally-insured credit unions regarding the areas noted in the title of this rule.

(1) As a result of being federally insured, all Missouri state-chartered credit unions are required to follow the requirements in Part 748 of the National Credit Union Administration's Rules and Regulations which cover a credit union's security program, report of crimes and catastrophic acts and Bank Secrecy Act compliance.

(2) Part 741 of the National Credit Union Administration's Rules and Regulations details the federal rules and regulations that also apply to all state-chartered, federally-insured credit unions.

AUTHORITY: section 370.362, RSMo 2000. Original rule filed April 29, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Division of Credit Unions, 370 W. High St., Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED AMENDMENT

**20 CSR 2210-2.080 Certification of Optometrists to Use
Pharmaceutical Agents.** The board is proposing to amend sections (3) and (6).

PURPOSE: This amendment clarifies the existing language and deletes obsolete language due to the passage of Senate Bill 308 and House Bill 780 of the 94th General Assembly (2007).

(3) The board will certify optometrists currently licensed in this state as qualified to use pharmaceutical agents in the practice of optometry in accordance with the following guidelines:

(A) All applicants for certification must present official documentation and/or transcripts showing successful completion of at least one hundred (100) hours of approved, supervised, clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa [in a program supervised by a board-certified ophthalmologist]. The board cannot approve any credit hours

unless they were taught by an institution having facilities for both the didactic and clinical instruction in pharmacology, which is approved by the board and which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education or its successors; and

(6) Use of oral analgesic agents shall be limited to those specific uses as follows:

[(A) Prior to the administration of oral analgesic therapy, a complete and careful history of current medications and past drug allergies and sensitivities must be documented in the record, with particular attention to interaction of analgesics with other systemic medications. Optometrists using these agents must be thoroughly familiar with the interactions of these drugs with other systemic medications;]

[(B)](A) Prescription strength oral analgesic agents and particularly controlled substances are rarely required for the relief of pain in ocular conditions. Therefore, they may be used only for **ocular** pain of which the etiology can be clearly demonstrated and in which, in the judgment of the optometrist, sufficient relief would not be obtained with noncontrolled substances;

[(C) Ocular pain may not be treated with controlled substances over forty-eight (48) hours without referral or consultation with a physician skilled in the treatment of the eye unless marked improvement in the underlying condition can be demonstrated;]

[(D)](B) When prescribing oral analgesic agents which are categorized as controlled substances, only scheduled oral agents that [have been shown to be effective] are appropriate for treatment of ocular pain may be prescribed;

[(E) Prescriptions for controlled substances may not exceed in number the recommended analgesic dosage for the duration of the prescription;]

[(F)](C) Prescriptions for controlled substances may not be refilled without further examination and follow-up care; and

[(G)](D) Optometrists may not maintain inventories of controlled substances for dispensing or administering.

AUTHORITY: sections 336.160 and [336.200, RSMo 2000] 336.220, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.080. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 18, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216, or by email at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2220—State Board of Pharmacy
Chapter 6—Pharmaceutical Care Standards**

PROPOSED RULE

20 CSR 2220-6.040 Administration by Medical Prescription Order

PURPOSE: This rule establishes procedures for pharmacists to administer drugs and devices pursuant to medical prescription orders.

(1) A pharmacist may administer drugs pursuant to a medical prescription order.

(2) The pharmacist may not delegate the administration to another person, except to a pharmacist intern who has met qualifications under subsections (3)(B), (C), and (E) and is working under the direct supervision of a pharmacist qualified to administer drugs pursuant to a medical prescription order.

(3) Pharmacist Qualifications. A pharmacist who is administering drugs pursuant to a medical prescription order must—

(A) Hold a current, unrestricted license to practice pharmacy in this state;

(B) Hold a current provider level cardiopulmonary resuscitation (CPR) certification issued by the American Heart Association or the American Red Cross or equivalent;

(C) Successfully complete a certificate program in the administration of drugs accredited by the Accreditation Council for Pharmacy Education (ACPE) or a similar health authority or professional body approved by the State Board of Pharmacy. The certificate program must cover all routes of administration the pharmacist utilizes;

(D) Complete a minimum of two (2) hours of continuing education per calendar year related to administration of drugs. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal;

(E) Maintain documentation of the above requirements; and

(F) On a yearly basis prior to administering drugs, notify the State Board of Pharmacy of their qualifications to do so. This notification shall include the types of drugs being administered, and a statement that the pharmacist meets the requirements of subsections (A), (B), (C), and (D) of this section.

(4) General Requirements.

(A) A pharmacist shall administer drugs in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC) or in accordance with manufacturer's guidelines.

(B) A pharmacist shall comply with all state and federal laws and regulations pertaining to Vaccine Information Statements and informed consent requirements.

(C) A pharmacist shall have a written policy and procedure covering all aspects of the administration of drugs, including the disposal of used and contaminated supplies and appropriate handling of acute adverse events. The manual shall be reviewed annually and be available for inspection by the State Board of Pharmacy or authorized representative.

(5) Requirements of Medical Prescription Order. The medical prescription order from a licensed prescriber must contain at a minimum the following:

(A) The name of the licensed prescriber issuing the order;

(B) The name of the patient to receive the drug;

(C) The name of the drug and dose to be administered;

(D) The route of administration;

(E) The date of the original order;

(F) The date or schedule, if any, of each subsequent administration; and

(G) A statement that the drug is to be administered by a pharmacist.

(6) Record Keeping.

(A) A pharmacist who administers a drug pursuant to a medical prescription order shall maintain the following records regarding

each administration. These records must be separate from the prescription files of a pharmacy.

1. The name, address, and date of birth of the patient;

2. The date, route, and anatomic site of the administration;

3. The name, dose, manufacturer, lot number, and expiration date of the drug;

4. The name and address of the patient's primary health care provider, as identified by the patient;

5. The name or identifiable initials of the administering pharmacist; and

6. The nature of an adverse reaction and who was notified, if applicable.

(B) All records required by this regulation shall be kept by the pharmacist and be available for two (2) years from the date of such record for inspecting and copying by the State Board of Pharmacy and/or its authorized representatives.

(7) Notification Requirements.

(A) A pharmacist administering drugs pursuant to a medical prescription order shall notify the prescriber within seventy-two (72) hours after administration of the following:

1. The identity of the patient;

2. The identity of the drug administered;

3. The route of administration;

4. The anatomic site of the administration;

5. The dose administered; and

6. The date of administration.

(B) In the event of any adverse event or reaction experienced by the patient, the pharmacist shall notify the prescriber within twenty-four (24) hours after learning of the adverse event or reaction.

(C) A pharmacist administering drugs pursuant to a medical prescription order shall report the administration to all entities as required by state or federal law.

AUTHORITY: sections 338.140 and 338.280, RSMo 2000 and section 338.010.1, RSMo Supp. 2007. Emergency rule filed May 1, 2008, effective May 11, 2008, expires Feb. 18, 2009. Original rule filed May 1, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Pharmacy, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 751-0091, or email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 9—Requirements for Direct Deposit of Vendor
Payments**

ORDER OF RULEMAKING

By the authority vested in the Office of Administration under section 33.155, RSMo 2000, the commissioner amends a rule as follows:

**1 CSR 10-9.010 Requirements for Direct Deposit of Vendor
Payments is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2008 (33 MoReg 407). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 11—Travel Regulations**

ORDER OF RULEMAKING

By the authority vested in the Office of Administration under section 33.095, RSMo 2000 and section 37.450, RSMo Supp. 2007, the commissioner amends a rule as follows:

**1 CSR 10-11.030 State of Missouri Vehicular Travel Regulations
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 7-8). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of administration received one (1) comment from John Hoskins, Director of the Department of Conservation on this proposed amendment.

COMMENT: John Hoskins suggested changing section (3) to either read "Officials or employees incurring commuting miles in a state vehicle should report such use utilizing the cents-per-mile method for inclusion in employee gross income and in accordance with procedures issued by the commissioner of administration" or "Officials or employees incurring commuting miles in a state vehicle shall report such use utilizing an Internal Revenue Service allowed method."

RESPONSE: Our office has determined the language in the originally filed amendment is necessary to regulate the cost to the state as the Internal Revenue Service (IRS) allows several calculations regarding commuting miles. No changes have been made to the rule as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.432 is amended.

This rule establishes deer hunting seasons and limits for the 2008-2009 seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.432 by establishing deer hunting seasons.

3 CSR 10-7.432 Deer: Archery Hunting Season

PURPOSE: This amendment establishes deer hunting seasons and limits for the 2008-2009 seasons.

(1) The archery deer hunting season is September 15, 2008, through January 15, 2009, excluding the November portion of the firearms deer hunting season. Use archery methods only; firearms may not be possessed.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 30, 2008, effective **July 1, 2008**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes deer hunting seasons and limits for the 2008–2009 seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing deer hunting seasons.

3 CSR 10-7.433 Deer: Firearms Hunting Seasons

PURPOSE: This amendment establishes deer hunting seasons and limits for the 2008–2009 seasons.

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Urban counties portion: October 3 through 6, 2008; use any legal deer hunting method to take antlerless deer in open counties.

(B) Youth portions: November 1 and 2, 2008 and January 3 and 4, 2009; for persons at least six (6) but not older than fifteen (15) years of age and qualifying landowner or lessee youth age fifteen (15) and younger; use any legal deer hunting method to take one (1) deer statewide during the November 1 and 2, 2008 portion; use any legal deer hunting method to take deer statewide during the January 3 and 4, 2009 portion.

(C) November portion: November 15 through 25, 2008; use any legal deer hunting method to take deer statewide.

(D) Muzzleloader portion: November 28 through December 7, 2008; use muzzleloader methods to take deer statewide.

(E) Antlerless portion: December 13 through 21, 2008; use any legal deer hunting method to take antlerless deer in open counties.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 30, 2008, effective **July 1, 2008**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This rule establishes deer hunting seasons and limits for the 2008–2009 seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by establishing deer hunting seasons.

3 CSR 10-7.435 Deer: Special Harvest Provisions

PURPOSE: This amendment establishes deer hunting seasons and limits for the 2008–2009 seasons.

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of Adair, Andrew, Atchison, Audrain, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cedar, Chariton, Clark, Clinton, Cole, Cooper, Daviess, DeKalb, Franklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Osage, Pettis, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ray, Saline, Schuyler, Scotland, Shelby, St. Clair, Sullivan, Vernon, Warren, and Worth. No other antlered deer may be taken.

(2) These special provisions apply to all deer hunting seasons and permittees, except during the youth portions of the firearms deer hunting season.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 30, 2008, effective **July 1, 2008**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.437 is amended.

This rule establishes deer hunting seasons and limits for the 2008–2009 seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.437 by establishing deer hunting seasons.

3 CSR 10-7.437 Deer: Antlerless Deer Hunting Permit Availability

PURPOSE: This amendment establishes deer hunting seasons and limits for the 2008–2009 seasons.

(2) Firearms Deer Hunting Season.

(A) Resident and Nonresident Firearms Antlerless Deer Hunting Permits are not valid in the counties of: Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, Stoddard, and Wayne except that resident landowners and lessees with seventy five (75) or more acres can each receive one (1) Resident Landowner Firearms Antlerless Deer Hunting Permit.

(B) Only one (1) Resident or Nonresident Firearms Antlerless Deer Hunting Permit or Youth Firearms Antlerless Deer Hunting Permit per person may be filled in the counties of: Barry, Barton,

Christian, Crawford, Dade, Dent, Douglas, Franklin, Gasconade, Jasper, Jefferson, Lawrence, Maries, McDonald, Newton, Osage, Ozark, Perry, Phelps, Polk, Pulaski, Ripley, Shannon, St. Francois, Ste. Genevieve, Stone, Taney, Texas, Washington, Webster, and Wright.

(C) Any number of Resident or Nonresident Firearms Antlerless Deer Hunting Permits or Youth Firearms Antlerless Deer Hunting Permits may be filled in the counties of: Adair, Andrew, Atchison, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Clark, Clay, Clinton, Cole, Cooper, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Johnson, Knox, Laclede, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Oregon, Pettis, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, St. Clair, St. Louis, Saline, Schuyler, Scotland, Shelby, Sullivan, Vernon, Warren, and Worth.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 30, 2008, effective **July 1, 2008**.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 110—Missouri Assistive Technology Advisory
Council
Chapter 1—Assistive Technology Programs**

ORDER OF RULEMAKING

By the authority vested in the Missouri Assistive Technology Advisory Council under section 209.253, RSMo 2000, the council amends a rule as follows:

5 CSR 110-1.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2008 (33 MoReg 194–197). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The council received seven (7) comments on the proposed amendment.

COMMENT #1: Seven (7) Hearing Instrument Specialists (HIS) practices submitted identical comments related to consumer support services. The comments opposed proposed amendment 5 CSR 110-010(10)(C)2. for the following reasons:

- a) It restricts Missouri licensed Hearing Instrument Specialists (HIS) from designating telecommunications equipment;
- b) It restricts an HIS from providing consumer support and continuity of care to his/her patients;
- c) It forces consumers to drive long distances; and
- d) It allows for providers who are unqualified.

These commenters recommended alternative rule language that would allow only licensed hearing instrument specialists, audiologists, or physicians to be eligible to designate equipment for eligible applicants.

RESPONSE AND EXPLANATION OF CHANGE: 209.253.3, RSMo requires the telecommunication access program (TAP) to ensure “an appropriate match between an individual with a disability and adaptive telecommunications equipment” and to “procure and distribute adaptive telecommunications equipment in the most cost-effective manner possible.” It also requires the program to “provide

a full range of adaptive telecommunications equipment to meet the needs of individuals with all types of disabilities.”

Since the program must provide adaptive equipment to individuals with all types of disabilities, it is not appropriate to limit those eligible to designate equipment to only licensed audiologists, HIS, and physicians as was recommended by the commenters. The audiology scope of practice in Missouri includes habilitation, rehabilitation, or aural rehabilitation related to disorders of the auditory system, balance system, or related structures and systems. The HIS scope of practice includes the selection, adaptation, and sale of hearing aids (wearable instruments or devices). Thus both professions are limited to hearing disabilities, while TAP must provide adaptive telephone equipment to individuals with motor disabilities such as cerebral palsy, quadriplegia, multiple sclerosis, and muscular dystrophy; individuals with speech disabilities such as stuttering, dysarthria, and laryngeal incompetence; along with individuals with vision disabilities and other/multiple disabilities.

For individual practitioners to address the range of disabilities TAP must serve, a variety of professional credentials far beyond audiologists, HIS, and physicians would be necessary, such as physical therapists, occupational therapists, speech-language pathologists, orientation and mobility specialists, and vision rehabilitation counselors. By policy, TAP historically only approved those individuals whose license or certification scope of practice allowed them to designate rehabilitative or habilitative equipment as part of their licensure or certification and restricted such designations to disability areas that corresponded to the certification or licensure. For example, a licensed speech-language pathologist could designate equipment for individuals with a speech disability. That was done to ensure providers were not engaging in actions outside their approved scope of practice under state licensure or certification standards.

However, to ensure cost effective and appropriate equipment match as required by law, TAP has not approved individuals to designate equipment for many years. Program administration experience demonstrated a potential financial conflict of interest for private practice individuals designating equipment. As a result, current program policies limit equipment designation approval to non-profit or public agencies that have no financial interest in such designations and who have available a range of adaptive equipment to use in device trials to determine an appropriate device-disability match.

There are currently twenty-six (26) state-funded centers for independent living that provide consumer support services free of charge to eligible consumers with all types of disabilities. As a result, no consumer must travel a long distance to reach an approved agency. Each of these agencies is able to provide in-home services to consumers if travel to the center is not possible.

Each approved agency has available an appropriate range of adaptive telephone equipment for consumers to try out to ensure appropriate device-disability match. Trying out equipment to identify an appropriate disability-device match is the only reliable mechanism to ensure cost effective use of public dollars when purchasing equipment. It is simply not possible to determine an appropriate match without access to demonstration equipment. Many TAP consumers are seniors who have multiple limitations (vision, hearing, and motor) and find different equipment features important to usability. Staff members of each independent living center receive ongoing training on the equipment and procedures used to make decisions based on device trials. Of the current center staff, approximately ten percent (10%) have masters' degrees, fifty percent (50%) have bachelors' degrees, and thirty percent (30%) have one to three (1–3) years of college. Many are individuals with disabilities themselves who have personal experience with adaptive equipment and living with a disability. All are qualified to conduct device trials and determine appropriate disability-equipment match.

In summary, the proposed amendment does not restrict an HIS from providing consumer support and continuity of care to his/her patients. Any provider can provide follow-up services to his/her clientele to support use of adaptive telephone equipment obtained

through the program. Only equipment designation is limited to approved entities. The proposed amendment does not force consumers to drive long distances as agency staff can go to a consumer's home when necessary. The proposed amendment does not allow "unqualified" individuals to make equipment designations as all agency staff must undergo specific training and must have available a full range of equipment for consumers to try to ensure appropriate device-disability match.

The council determined the comments do indicate a great deal of misunderstanding of program operation and the final amendment should be revised to better reflect the current exclusive use of non-profit and public agencies to provide device trials for equipment selection. The final regulation has been revised to clarify the procedures used to ensure cost-effective equipment match as required by statute by making changes in paragraph (10)(C)2. and adding a paragraph (10)(C)4.

COMMENT #2: The same seven (7) HIS commenters also objected to the lack of a small business impact statement. All noted that an HIS office in Texas reported gross revenue over eighty thousand dollars (\$80,000) a year from the Texas telecommunications equipment distribution program.

RESPONSE: The Texas program utilizes a dollar amount voucher that is issued to individual consumers to purchase equipment from hundreds of vendors nationwide. The voucher amounts are intended to be a reflection of reasonable cost for the type and class of equipment approved for a particular eligible individual. If a vendor is making a large profit from redeeming those vouchers, it means they are taking in higher voucher amounts than the cost of the equipment they are delivering which is inconsistent with the intended design of a voucher program.

Missouri does not utilize vouchers. Equipment is directly purchased from a contract that is competitively bid which results in a more cost-effective program. As a result, there is no profit to be made from the program for any private businesses, large or small, related to equipment purchase. The only private business option is to bid on the equipment contract, which is open to any and all vendors during the bid process. No changes are necessary as a result of these comments.

COMMENT #3: One (1) HIS commenter provided an additional objection to 5 CSR 110-1.010(5)(C) and recommended that the proposed amendment be deleted, because it would prohibit providers from charging a fee for hearing examinations.

RESPONSE AND EXPLANATION OF CHANGE: The intent of the proposed amendment is not to in any way infringe on a provider charging a fee for a professional service pursuant to his/her scope of practice. The certification process as described in 5 CSR 110-1.010(4)(C) consists of completing the certification part of the program application form and is distinct from a hearing examination or any other professional service for which a provider might charge a fee. The final rule has been revised in subsection (5)(C) to ensure better understanding of this rule.

5 CSR 110-1.010 Telecommunications Access Program

(5) Certifying Agents.

(C) Agencies or individuals who charge a fee to sign the certification form identified in 5 CSR 110-1.010(4)(C) shall provide the applicant with information about certifying agents who will provide that service free of charge. The program administrator will make a list of such certifying agents readily available on the Internet or upon request.

(10) TAP for Telephone Specific Procedures.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts or other working relationships with qualified individuals, organizations, vendors, or other entities.

1. Consumer support providers shall:

A. Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive telephone equipment that will meet their needs;

B. Be able to provide adaptive telephone equipment orientation and use training;

C. Participate in training activities as may be required by the program administrator to assure equipment competency; and

D. Be able to demonstrate equipment knowledge and competency as requested by the program administrator.

2. Agencies desiring to provide consumer support services shall participate in periodic training as deemed necessary by the program administrator. Such training shall include specific information about adaptive telephone equipment necessary to support appropriate equipment selection and use ensuring appropriate match of person and equipment. Agencies eligible to provide consumer support include:

A. Non-profit or public agencies who regularly work with persons with disabilities and/or have specialized knowledge about adaptive telephone equipment and access to equipment for demonstration and trial purposes; and

B. Such agencies with narrowly focused contact with individuals with disabilities can be approved to provide consumer support limited to that focus.

3. Specific non-profit agencies shall be designated by the program administrator to provide consumer support for captioned telephone voice carry-over equipment. Designated agencies shall satisfactorily participate in periodic training provided by the program administrator that includes information critical to support appropriate matching of applicants to this specialized equipment.

4. Only licensed or certified individuals who were approved to designate equipment prior to July 1, 2007, shall be eligible to continue in that function provided they participate in all training deemed necessary by the program administrator and provide all information requested by the program administrator.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 110—Missouri Assistive Technology Advisory Council

Chapter 1—Assistive Technology Programs

ORDER OF RULEMAKING

By the authority vested in the Missouri Assistive Technology Advisory Council under section 191.865, RSMo 2000, the council amends a rule as follows:

5 CSR 110-1.020 Assistive Technology Loan Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2008 (33 MoReg 197). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—MO HealthNet Division

Chapter 92—Adult Day Health Care Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2007 and sections 208.159 and 208.168, RSMo 2000, the division amends a rule as follows:

13 CSR 70-92.010 Adult Day Health Care Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2008 (33 MoReg 213-217). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received two (2) comments on the proposed amendment.

COMMENT #1: The Missouri Adult Day Care Association requested a change to the eligibility requirements which would allow adults, eighteen (18) and over, who reside in a licensed long-term residential care facility, to be eligible for adult day health care if it is stated in the individual's plan that adult day health care would benefit the individual and enhance the overall plan of care as determined by the case-worker or service coordinator.

RESPONSE: The recommendation would change program policy and potentially duplicate services already provided, thereby creating a significant budget impact. No changes have been made to the rule as a result of this comment.

COMMENT #2: The Missouri Adult Day Care Association requested a change to the number of hours used to determine the half-day and full-day rates and recommended publishing the current fees for each.

RESPONSE: Service fees are published on the MO HealthNet website at www.dss.mo.gov/mhd/providers/index.htm and selecting the fee schedules link. The recommendation to allow hourly reimbursement in addition to half-day and full-day rates to the adult day health care program will require program changes. Additional discussions with the Department of Health and Senior Services would be necessary to determine budget impacts. No changes have been made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.1000-375.1018, RSMo 2000 and RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 100-1.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2381). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.1000-375.1018, RSMo 2000 and RSMo Supp. 2007, the director amends a rule as follows:

**20 CSR 100-1.020 Misrepresentation of Policy Provisions in
Claims Settlement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2382). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

**20 CSR 100-1.040 Standards for Prompt Investigations of Claims
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2382). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.1000-375.1018, RSMo 2000 and RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 100-1.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2382-2383). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 24, 2008 and the comment period ended at 5:00 p.m. on January 25, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of the Missouri Insurance Coalition made comments regarding the rule.

COMMENT: Representatives of The Missouri Insurance Coalition commented that section (3) should be deleted in its entirety and sections (4) and (5) renumbered accordingly.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-1.050 Standards For Prompt, Fair and Equitable Settlement of Claims

(3) Standards for Prompt, Fair and Equitable Settlements Applicable to Health Insurance.

(A) Precertification. An insurer may require that claimants for health insurance benefits have their course of treatment certified in advance of incurring the claim based upon the course of treatment, so long as the following requirements are met:

1. The rules of the insurer for precertification must be fully disclosed to the covered person in advance of any incurred claim or course of treatment; and

2. Precertification determinations must be made in a prompt, fair and equitable manner.

(B) Denial of Precertified Claims.

1. No insurer may deny, in whole or in part, any claim for health insurance benefits if—

A. The claim is based upon a course of treatment which has been precertified; and

B. The claim denial is based upon one (1) or more of the following reasons:

(I) The claim or course of treatment was not medically necessary; or

(II) The claim or course of treatment was experimental.

2. The provisions of paragraph (3)(B)1. of this rule do not apply to any claim against an insurer which has a contract—

A. With the health care provider who provided the treatment upon which the claim is based; and

B. Which requires the health care provider to hold the insured harmless from the denial of the claim.

(4) Standards for Prompt Investigations of Claims. Every insurer shall complete an investigation of a claim within thirty (30) days after notification of the claim, unless the investigation cannot reasonably be completed within this time.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.1000-375.1018, RSMo 2000 and RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 100-1.100 Claims Involving Public Adjusters or Solicitors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2383-2384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 100-1.200 Claims Practices When Retrospective Premiums Paid is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 2—Unfair Trade Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 100-2.100 Unfair Financial Planning Practices is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2384-2385). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 2—Unfair Trade Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 100-2.200 Unfair Discrimination on the Basis of Blindness, Partial Blindness or Physical or Mental Impairment **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2385). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 2—Unfair Trade Practices**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 100-2.300 The Actual Payment Must Be Basis for Policy or Plan Calculations **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2385). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 3—Fraudulent Insurance Claims and Acts**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 375.992, and 375.993, RSMo 2000 and sections 375.991 and 375.994, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 100-3.100 Fraud Investigation Reports **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3,

2007 (32 MoReg 2385–2386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 4—General**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-4.010 Definitions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2386). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 4—General**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-4.020 Adopting NAIC Handbooks and Standards **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2386–2387). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 4—General**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-4.030 Forms is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2387). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 4—General**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 100-4.100 Required Response to Inquiries by the
Consumer Affairs Division is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2387-2388). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 5—Health Care Consumer Procedures**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 100-5.010 Notice Requirements of an Adverse
Determination is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2388). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 5—Health Care Consumer Procedures**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 100-5.020 Grievance Review Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2388-2389). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 6—Privacy of Consumer Information**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 376.421, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 100-6.100 Privacy of Financial Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2389-2390). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 7—Market Conduct Analysis**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-7.010 Standards of Analysis is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2390). No changes have been made in the text of the proposed

rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-8.010 Standards of Examination is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2390). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 375.948, RSMo 2000 and section 375.1018, RSMo Supp. 2007, the director adopts a rule as follows:

20 CSR 100-8.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2390–2391). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 24, 2008 and the comment period ended at 5:00 p.m. on January 25, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of the Missouri Insurance Coalition made comments regarding the rule.

COMMENT: Representatives for the Missouri Insurance Coalition suggested that the department amend the last sentence of subsection (2)(C) to read: “whether a random sample was appropriate will be determined on a case-by-case basis to ensure that the sample reflects a true random selection from the group as a whole and not so constricted by location, types, or time frame as to provide an inaccurate depiction of the overall group.”

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.020 Sampling and Error Rates

(2) Unfair, Fraudulent, or Bad Faith Conduct in Claims Settlement.

(C) The rates or index may be established by census or by an appropriate random sample. Whether a random sample was appropriate will be determined on a case-by-case basis to ensure that the sample reflects a true random selection from the group as a whole and not so constricted by location, types, or time frame as to provide an inaccurate depiction of the overall group.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 375.948, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-8.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2391–2393). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 24, 2008 and the comment period ended at 5:00 p.m. on January 25, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of the Golden Rule Insurance Company made comments regarding the rule.

COMMENT: Tracy Arney commented on behalf of Golden Rule Insurance Company that the third sentence of subsection (3)(C) be amended as follows:

In accordance with the provisions of section 375.158, RSMo, insurers must have procedures in place to request and review current licenses of each insurance producer to whom a commission will be paid or to validate the producer’s licensure status prior to the payment of this commission.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and will modify the referenced sentence.

20 CSR 100-8.040 Insurer Record Retention

(3) Records to be Maintained. The following records shall be maintained:

(C) Records to be maintained relating to the insurer’s compliance with Missouri’s licensing requirements shall include the Missouri licensing records of each insurance producer associated with the insurer. Licensing records shall be maintained so as to show clearly the dates of the appointment and terminations of each insurance producer. In accordance with the provisions of section 375.158, RSMo, insurers must have procedures in place to request, review, and document current licenses of each insurance producer to whom a commission will be paid or to validate the producer’s licensure status

prior to the payment of this commission. Upon request by the director, insurers shall provide documentation that such license verification procedures were followed. The date of the receipt by the insurer of the copy of the license shall be indicated by a date-stamp placed on the license. Unless the company provides the examiners with written procedures to the contrary, the earliest date stamped on a document will be considered the initial date of receipt;

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities, and Health
Chapter 2—Accident and Health Insurance in General**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

**20 CSR 400-2.065 Actual Payment as Basis for Policy or Plan
Calculations is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2007 (32 MoReg 2398). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 24, 2008 and the comment period ended at 5:00 p.m. on January 25, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of the Missouri State Chiropractor's Association made comments regarding the rule.

COMMENT: Gerald McGonagle and Quinn James, representatives of the Missouri State Chiropractor's Association, testified in support of the proposed rule and suggested no change.

RESPONSE: The director agrees with this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 4—Long-Term Care**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 381.042, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-4.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2007 (32 MoReg 2512–2513). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) comments.

COMMENT #1: The department received comments from the American Council of Life Insurers (ACLI) and America's Health Insurance Plans (AHIP) that "Form LTC-6," which is provided at time of sale and disclosure, would be the same form that would accompany a partnership policy or endorsement. ACLI and AHIP believe that Form LTC-6, to be given at the initial stages of the solicitation process, must provide only an overall description of the partnership program including what would make a policy eligible for participation under the program. They propose the adoption of a LTC-7 and provide language for adoption and suggest applicable changes to the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has modified the rule and forms accordingly. Department of Insurance, Financial Institutions and Professional Registration (DIFP) has revised LTC-6 and created LTC-7 in conjunction with the language existing in LTC-6.

COMMENT #2: The department received a comment from John Hancock that the top portion of forms should be bracketed so carriers can insert information in the order the insurer needs.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has modified forms LTC-4 and LTC-7 accordingly.

COMMENT #3: The department received a comment from ACLI and AHIP that the proposed rule references "model #641 in January 2007" but perhaps the department intended to say "2006."

RESPONSE AND EXPLANATION OF CHANGE: The department proposed the rule based on the NAIC January 2007 model draft. NAIC later developed the October 2007 draft. In response to the comment and the later NAIC draft, the department has made revisions to the rule consistent with and in reference to the October 2007 draft.

COMMENT #4: ALCI and AHIP also recommended amending LTC-C and LTC-F to reflect the new text in the NAIC model.

RESPONSE: The department agrees and has made no changes to the rule or forms.

20 CSR 400-4.050 General Instructions

(1) Filing and Report Forms. The following forms have been adopted and approved for use in this state and are incorporated by reference:

(A) The Rescission Reporting Form for Long-Term Care Policies (Form LTC-A), approved as Appendix A to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(B) The Long-Term Care Insurance Personal Worksheet form (Form LTC-B), approved as Appendix B to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(C) The Things You Should Know Before You Buy Long-Term Care Insurance Form (Form LTC-C), approved as Appendix C to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(D) The Long-Term Care Insurance Suitability Letter Form (Form LTC-D), approved as Appendix D to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(E) The Claims Denial Reporting Form (Form LTC-E), approved as Appendix E to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(F) The Potential Rate Increase Disclosure Form (Form LTC-F), approved as Appendix F to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(G) The Replacement and Lapse Reporting Form (Form LTC-G), approved as Appendix G to the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(H) The Notice to Applicant Regarding Replacement of Individual Accident and Sickness or Long-Term Care Insurance (Form LTC-1), approved in Section 14 of the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(I) The Notice to Applicant Regarding Replacement of Accident and Sickness or Long-Term Care Insurance (Form LTC-2), approved in Section 14 of the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(J) The Outline of Coverage Form (Form LTC-3), approved in Section 31 of the Long-Term Care Model Regulation adopted by the National Association of Insurance Commissioners and printed as model #641 in October 2007, or any form which substantially comports with the specified form;

(K) The Long-Term Care Partnership Exchange Notification Form (Form LTC-4), revised on March 10, 2008, or any form which substantially comports with the specified form;

(L) The Partnership Program Policy Certification Form (Form LTC-5), revised on March 10, 2008, or any form which substantially comports with the specified form;

(M) The Missouri's Long-Term Care Insurance Partnership Disclosure Notice Form (Form LTC-6), revised on March 10, 2008, or any form which substantially comports with the specified form; and

(N) The Missouri's Long-Term Care Insurance Partnership Delivery Notice Form (Form LTC-7), revised on March 10, 2008, or any form which substantially comports with the specified form.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 4—Long-Term Care**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 536.016, RSMo 2000 and sections 376.1109, 376.1127, and 376.1130, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 400-4.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2007 (32 MoReg 2513-2532). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received seven (7) comments.

COMMENT #1: The department received a comment from American Council of Life Insurers (ACLI) and America's Health Insurance Plans (AHIP) that the proposed amendment references "model #641 in January 2007" but perhaps the department intended to say "2006."

RESPONSE AND EXPLANATION OF CHANGE: The department proposed the rule based on the NAIC January 2007 model draft. National Association of Insurance Commissioners (NAIC) later developed the October 2007 draft. In response to the comment, the department has made revisions to the rule consistent with and in reference to the October 2007 draft.

COMMENT #2: ACLI and AHIP commented that subsection (3)(Q) should be updated to reflect the new "cross-border" provider definition as found in the NAIC model.

RESPONSE: The subsection referenced, (3)(Q), was not included in the *Missouri Register* for amendment, but the comment will be considered for future amendment of the rule.

COMMENT #3: The department received a comment from ACLI and AHIP that "20 CSR 400-4.100(11) Requirement to Offer Inflation Protection" should remain exactly as it appears in Missouri's current regulations. The offer should not be revised to allow for three percent (3%) inflation. This regulation provides the mandatory offer of inflation protection that meets the requirements of the Health Insurance Portability and Accountability Act (HIPAA). Once the mandatory offer requirement is met, other inflation features can also be offered.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has modified the rule accordingly.

COMMENT #4: ACLI and AHIP also recommended that paragraph (21)(A)8. be revised to cover limited payment policies consistent with the NAIC model.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has modified the rule accordingly.

COMMENT #5: ACLI and AHIP commented that section (24), "Nonforfeiture Benefit," should include the contingent nonforfeiture benefit for limited payment policies as found in the NAIC model.

RESPONSE: The section referenced, (24), was not included in the *Missouri Register* for amendment, but the comment will be considered for future amendment of the rule.

COMMENT #6: The department received a comment from ACLI and AHIP that "paragraphs (1)(B)4. through 9." of 20 CSR 400-4.110 should be revised to provide that a partnership policy exchange would be exempt from sections 20 CSR 400-4.100(12) and (22) and the reporting requirements of subsections (13)(B)-(F) (consistent with 20 CSR 400-4.100(25)(E)).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees in part and has modified the rule to be consistent with section 20 CSR 400-4.100(25). However, the comment highlighted the fact that the long-term care insurance and the partnership program would be exempt from the suitability standards of 20 CSR 400-4.100(22). Such exemption would not be in the public interest and therefore, the rule has been revised accordingly.

COMMENT #7: The department received a comment from the ACLI and AHIP that it is unclear within this regulation as to what date all revisions are to become effective. Certain provisions require form filings with the department while others require carriers to update their administration systems as well as marketing/distribution materials.

Traditionally, states which are updating their regulations in conformance with NAIC model changes usually provide up to a year for provisions to become effective.

RESPONSE: The department disagrees and has made no changes to the rule that would delay implementation of the rule. Companies may choose when to start the marketing of their partnership policies. There is no requirement to start marketing partnership plans on the effective date of this rule. Insurers have had notification of Missouri's partnership program since SB 577 was signed on July 3, 2007 and have had adequate time to prepare for the effective date of the rule.

20 CSR 400-4.100 Long-Term Care Insurance

(1) Applicability and Scope. This regulation is based upon the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners (NAIC), Model #641, published October 2007 ("2007 LTC Model").

(11) Requirement to Offer Inflation Protection.

(A) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder, in addition to any other inflation protection, the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one (1) of the following:

1. Increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than five percent (5%);

2. Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent (5%) for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

3. Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(21) Standards for Marketing.

(A) Every insurer, health care service plan, or other entity marketing long-term care insurance coverage in this state, directly or through its producers, shall:

1. Establish marketing procedures and producer training requirements to assure that:

A. Any marketing activities, including any comparison of policies, by its producers will be fair and accurate; and

B. Excessive insurance is not sold or issued.

2. Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

3. Provide copies of the disclosure forms required in subsection (7)(C) of this regulation (Form LTC-B and Form LTC-F) to the applicant.

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insur-

ance and the types and amounts of any such insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required.

5. Every insurer or entity marketing long-term care insurance shall establish auditable procedures for verifying compliance with subsection (A) of this section, above.

6. If the state in which the policy or certificate is to be delivered or issued for delivery has a state senior health insurance assistance program approved by the director, the insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder that the program is available and the name, address and telephone number of the program.

7. For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to the provisions of (4)(A)3. of this regulation.

8. Provide an explanation of contingent benefit upon lapse provided for in the provisions of paragraph (24)(D)3. and, if applicable, the additional contingent benefit upon lapse provided to policies with fixed or limited premium paying periods in paragraph (24)(D)4.

(25) Availability of New Services or Providers.

(E) Policies issued pursuant to this section shall be considered exchanges and not replacements. These exchanges shall not be subject to section (12) and the reporting requirements of subsections (13)(A) to (E) of this regulation.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 400—Life, Annuities and Health Chapter 4—Long-Term Care

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 208.696, 374.045, 536.016, 376.1109, 376.1127, and 376.1130, RSMo the director adopts a rule as follows:

20 CSR 400-4.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2007 (32 MoReg 2532-2534). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received nine (9) comments.

COMMENT #1: The department received a comment from American Council of Life Insurers (ACLI) and America's Health Insurance Plans (AHIP) that "paragraphs (1)(B)4. through 9." should be revised to provide that a partnership policy exchange would be exempt from sections 20 CSR 400-4.100(12) and (22) and the reporting requirements of subsections (13)(B)-(F) (consistent with 20 CSR 400-4.100(25)(E)).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees in part and has modified the rule, paragraph (1)(B)10., to be consistent with section 20 CSR 400-4.100(25). The department disagrees that a partnership policy exchange should be exempted from 20 CSR 400-4.100(22) as such exemption is not in the public interest.

COMMENT #2: The department received a comment from ACLI and AHIP that the rule should be revised to be based on three percent (3%) compound annual inflation protection, compound consumer price index (CPI), automatic purchase options with specific limitations, or an alternative approved by the director. ACLI and AHIP presented revised language for proposed new paragraph in (1)(A)4. to be consistent with their recommendation. The department received a comment from John Hancock urging the department to allow a CPI-based annual compound inflation protection.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with part of this comment and has modified the rule to allow inflation protection to be based on three percent (3%) compound annual inflation protection, compound CPI, or an alternative approved by the director.

COMMENT #3: The department received a comment from Missouri Association of Insurance and Financial Advisors (MAIFA) that the CPI should not be adopted as inflation protection, but that the inflation protection should remain at five percent (5%).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees in part. The rule has been changed to reflect a five percent (5%) offer of inflation protection for partnership plans. However, compound annual inflation protection must have a minimum rate of three percent (3%).

COMMENT #4: ACLI and AHIP commented that in paragraph (1)(A)3., it is unclear what exception is being carved out.

RESPONSE: The department disagrees and has made no changes to the rule. The language in the section is clear regarding the exception.

COMMENT #5: The department received a comment from ACLI and AHIP that "paragraph (1)(B)1." should allow a one (1)-year period for insurers to notify policyholders of the option to exchange coverage for a partnership policy and that, under paragraph (1)(B)2., the exchange option period only be open for ninety (90) days.

RESPONSE: The department disagrees and has made no changes to the rule. Once a company starts marketing partnership plans, it has one hundred eighty (180) days to offer an exchange after the company starts to market partnership plans. Once the offer is made, the consumer has one hundred eighty (180) days to accept the offer. This is a potential year time frame for exchanges. Reducing the exchange option period is not in the best interest of the consumer.

COMMENT #6: The department received comments from the ACLI and AHIP that "Form LTC-6," which is provided at time of sale and disclosure, would be the same form that would accompany a partnership policy or endorsement. ACLI and AHIP believe that Form LTC-6, to be given at the initial stages of the solicitation process, must provide only an overall description of the partnership program including what would make a policy eligible for participation under the program. They propose the adoption of Form LTC-7 and suggest applicable changes to the rule for new paragraph (1)(D)2.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has modified the rule and forms accordingly.

COMMENT #7: The department received a comment from Thau, Inc. contending that people who access Medicaid prior to exhausting their partnership policy should continue to develop "asset disregard" for purposes of estate recovery.

RESPONSE: The department agrees but has made no changes to the rule. Asset disregard, pursuant to section 208.690, RSMo is part of the requirements and authority of MO HealthNet and is beyond the scope of this rule and the jurisdiction of the department.

COMMENT #8: Thau, Inc. also commented that there should be a provision protecting insureds if the partnership were to be discontinued in the future.

RESPONSE: The department agrees but has made no changes to the

rule. Such protection already exists in section 208.694.2, RSMo.

20 CSR 400-4.110 Qualified Long-Term Care Partnership Program

(1) Requirements. For the purposes of this section, "Qualified Long-Term Care Partnership coverage" shall mean any long-term care coverage that is intended to be marketed as part of a long-term care partnership program, as outlined in sections 208.690 to 208.698, known as the "Missouri Long-Term Care Partnership Program Act."

(A) Coverage Requirements. Coverage will be considered meeting the requirements of the Missouri Long-Term Care Partnership Program if the following requirements are met:

1. The insured was a resident of this state when coverage first became effective;

2. The coverage is a qualified long-term care insurance policy (as defined in section 7702B(b) of the *Internal Revenue Code* of 1986);

3. The coverage meets the requirements of the Deficit Reduction Act of 2005, except for Subchapter B, Section 6021(a)(1)(iii)(IV) as stated in section 208.696.1(2), RSMo; and

4. The coverage includes inflation protection no less favorable than the following:

A. For a person who is less than sixty-one (61) years of age as of the date of purchase, the coverage provides compound annual inflation protection; and

B. For a person who is at least sixty-one (61) years of age but less than seventy-six (76) years of age, the policy provides some level of inflation protection; and

C. For any person who has attained the age of seventy-six (76), inflation protection may be provided but is not required.

D. In order for coverage to meet the requirements of subparagraph (1)(A)4.A., if the required inflation protection offer of five percent (5%) compound annual inflation protection referenced in 20 CSR 400-4.100(11) is rejected, the inflation protection included shall:

(I) Provide automatic annual compounded inflation increases at a rate not less than three percent (3%); or

(II) Provide automatic annual compound inflation increases at a rate based on changes in the consumer price index. "Consumer price index" means consumer price index for all urban consumers, U.S. city average, all items, as determined by the Bureau of Labor Statistics of the United States Department of Labor; or

(III) The director may approve an alternative inflation protection method so long as such method is submitted to the director with an explanation and demonstration as to how the alternative method provides for meaningful benefits which are in the best interest of the consumer and provide assurances that the policy or certificate will remain a partnership plan.

(B) Offers of Exchange. In addition to complying with the requirements of 20 CSR 400-4.100(25), where applicable—

1. Within one hundred eighty (180) days of the date that an insurer begins to advertise, market, offer, sell or issue policies that qualify under the state long-term care partnership program, the insurer shall offer, on a one (1)-time basis, in writing, to all existing policyholders and certificateholders that were issued long-term care coverage by the insurer on or after February 8, 2006, the option to exchange their existing long-term care coverage for coverage that is intended to qualify under the Missouri Long-Term Care Partnership Program (Partnership Plan). The written offer of exchange shall include the Long-Term Care Partnership Program Exchange Notification letter (Form LTC-4);

2. An exchange occurs when an insurer offers a policyholder or certificateholder (hereinafter "insured") the option to replace an existing long-term care insurance policy with a policy that qualifies as a Partnership Plan, and the insured accepts the offer to terminate the existing policy and accepts the new policy. In making an offer to

exchange, an insurer shall comply with all of the following requirements:

A. The offer shall be made on a nondiscriminatory basis without regard to the age or health status of the insured;

B. The offer shall remain open for a minimum of one hundred eighty (180) days from the date of mailing by the insurer to the insured's last known address; and

C. At the time the offer is made, the insurer shall provide the insured a copy of Form LTC-4;

3. Notwithstanding paragraphs (1)(B)1. and 2., above:

A. An offer to exchange may be deferred for any insured who is currently eligible for benefits under an existing policy or who is subject to an elimination period on a claim, but such deferral shall continue only as long as such eligibility or elimination period exists, or the insured is no longer in claims status;

B. An offer to exchange does not have to be made if the insured would be required to purchase additional benefits to qualify for the state long-term care partnership program and the insured is not eligible to purchase the additional benefits under the insurer's new business, long-term care, underwriting guidelines;

4. If the new policy has an actuarial value of benefits equal to or lesser than the actuarial value of benefits of the existing policy, then all of the following apply:

A. The new policy shall not be underwritten; and

B. The rate charged for the new policy shall be determined using the original issue age and risk class of the insured that was used to determine the rate of the existing policy;

5. If the new policy has an actuarial value of benefits exceeding the actuarial value of the benefits of the existing policy, then all of the following apply:

A. The insurer shall apply its new business, long-term care, underwriting guidelines to the increased benefits only; and

B. The rate charged for the new policy shall be determined using the method set forth in subparagraph (1)(B)4.B., above, for the existing benefits, increased by the rate for the increased benefits using the then current attained age and risk class of the insured for the increased benefits only;

6. The new policy offered in an exchange shall be on a form that is currently offered for sale by the insurer in the general market and the effective date of the Partnership Plan policy shall be the same as the new policy;

7. In the event of an exchange, the insured shall not lose any rights, benefits or built-up value that has accrued under the original policy with respect to the benefits provided under the original policy, including, but not limited to, rights established because of the lapse of time related to pre-existing condition exclusions, elimination periods, or incontestability clauses;

8. Insurers may complete an exchange by issuing a new policy with an effective date no earlier than the effective date of Missouri's State Plan Amendment;

9. For those insureds with long-term care policies issued before February 8, 2006, any insurer may offer any insured an option to exchange an existing policy for a policy that qualifies as a Partnership Plan. The requirements set forth in paragraphs (1)(B)2. through 9. shall apply to any such exchange; and

10. Policies or certificates issued pursuant to this section shall be considered exchanges and not replacements. These exchanges shall not be subject to 20 CSR 400-4.100(12) and the reporting requirements of subsections (13)(B) through (F), in accordance with subsection (25)(E) of regulation 20 CSR 400-4.100.

(D) Partnership Plan Disclosure Form.

1. For policies intended to qualify under the partnership program, the producer or insurer shall give the consumer a partnership disclosure notice using the Long-Term Care Partnership Program Disclosure Notice (Form LTC-6), either—

A. Along with the outline of coverage required by regulation at the time of solicitation;

B. In the case of a policy issued to a group where an outline

of coverage is not delivered, along with the enrollment forms; or

C. In the case of a life insurance policy that offers long-term care insurance as a term of the policy or in a rider, along with the policy summary at the time of solicitation.

2. A partnership policy or certificate issued or issued for delivery in Missouri shall be accompanied by a Long-Term Care Partnership Delivery Notice (Form LTC-7) explaining the benefits associated with a partnership policy and indicating that at the time issued, the policy is intended to be a qualified state long-term care insurance partnership policy. A similar notice may be used if filed and approved by the director.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 400—Life, Annuities and Health Chapter 4—Long-Term Care

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 208.696 and 375.143, RSMo Supp. 2007 and section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-4.120 Producer Training and Continuing Education is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2007 (32 MoReg 2535-2536). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received five (5) comments.

COMMENT #1: The department received a comment from American Council of Life Insurers (ACLI) and America's Health Insurance Plans (AHIP) that the regulation would only require producers selling partnership policies to receive training. The ACLI and AHIP recommend that the department adopt the National Association of Insurance Commissioners (NAIC) Model provision relating to producer training (including a reasonable transition period) which would apply to all producers regardless of whether or not they sell partnership policies. The department also received a comment from the Missouri Association of Insurance and Financial Advisors (MAIFA) that insurance companies will be confused if not all producers are trained (certified) for partnership plans.

RESPONSE: The department disagrees and has made no changes to the rule. The department does not interpret section 208.692.3(2) or section 208.696.1(1), RSMo to require that all producers receive the required training.

COMMENT #2: The department received a comment from Thau, Inc. that insurers should be allowed to compensate licensed-but-uncertified secondary insurance agents on up to fifty percent (50%) of the premium.

RESPONSE: The department disagrees and has made no changes to the rule. The department does not interpret section 208.692.3(2) or section 208.696.1(1), RSMo to require that all producers receive the required training. Producers that solicit, negotiate, or sell a long-term care partnership plan need the required training.

COMMENT #3: The department received a comment from the MAIFA that producers who are over the age of seventy (70) should also receive the required partnership training.

RESPONSE: The department agrees with the comment but has made no changes to the rule. There is no conflict between the rule and section 375.020.5(4), RSMo as that section only states that waivers “may be granted” to a licensee who is at least seventy (70) years of age.

COMMENT #4: MAIFA also commented that there should be no grandfather clause or grace period for producers to be trained prior to selling partnership policies.

RESPONSE: The department agrees but has made no changes to the rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the department withdraws a proposed rule as follows:

20 CSR 700-1.148 Reasonable Supervision in Fixed, Indexed or Other Covered Annuity Sales **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (32 MoReg 88-90). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 7, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of Kansas City Life Insurance Company, Old American Insurance Company, Sunset Life Insurance Company of America, Missouri Association of Insurance Agents (MAIA), MetLife American Council of Life Insurers (ACLI), Missouri Insurance Coalition (MIC), National Association for Fixed Annuities, Primerica Life Insurance Company, Property Casualty Insurers Association of America (PCI), Producer Advisory Board, and Primerica made comments regarding the rule.

COMMENT #1: C. Bryan Cox, on behalf of ACLI, commented that producers who sell for several insurance companies might have to have several supervision systems in place for his agency.

COMMENT #2: Mark Rhodes, on behalf of MetLife, questioned the meaning of “reasonable inquiry” in paragraph (1)(B)3.

COMMENT #3: Kim O’Brien, on behalf of National Association for Fixed Annuities, commented that if the department decides not to adopt the NAIC Suitability Model, the department should incorporate the NAIC Suitability Model provisions that acknowledge the unique differences between fixed and variable annuities for record keeping, suitability determination, and supervision, and remove those that are in conflict or incongruent with the determination of suitability ad sales of fixed annuities.

COMMENT #4: Eric C. Dupont, on behalf of MetLife, commented that the “reasonable inquiry” requirement in paragraph (1)(B)3, be made in a manner similar to that which the Iowa Department of Insurance and Financial Industry Regulatory Authority (FINRA) have agreed to proceed. In relevant part, a letter from Iowa to FINRA provides:

I am confirming that an insurance company will be deemed to have satisfied its obligations, under rules reference in your letter, which regard to the supervision of distributors if the company

obtains a certification from the distributor stating that the distributor (a) is a registered broker-dealer and a member of FINRA; and (b) supervises sales of the insurance company’s insurance contracts by the distributor’s registered represents in accordance with FINRA rules and jurisdiction. We understand that the certification may be part of the selling agreement.

COMMENT #5: Members of the Producers Advisory Board commented that banks and other FDIC-member depository organizations already have well-respected and functioning supervisory systems in place coupled with detailed suitability analyses for current customers. Applying this rule to such banks and other FDIC-member depository organizations would impose additional unneeded oversight and supervisory systems of affiliated insurance companies.

COMMENT #6: C. Bryan Cox, on behalf of ACLI, commented that some captive agents use a broker-dealer as a supervisory system. Why would an individual whose duties are purely supervisory with no negotiation, selling, or solicitation require a producer license?

RESPONSE: Based on industry comments, the director has significantly reworked the rule and filed a new version on April 30, 2008. Thus this proposed rule is withdrawn.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 6—Fees**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2008 (33 MoReg 444-446). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 41.946, RSMo 2000 and sections 327.041 and 327.621, RSMo Supp. 2007, the board adopts a rule as follows:

20 CSR 2030-11.035 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2008 (33 MoReg 447-450). Those sections with changes are reprinted here.

This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) letter of comment was received from the Missouri Association of Landscape Architects (MALA). In MALA's letter to the board, three (3) minor concerns were voiced.

COMMENT #1: MALA commented in regard to limiting credit for teaching or preparing courses or seminars. Since a specific limit was not addressed in the proposed rule, MALA has suggested that the board consider amending paragraph (4)(A)5. of the rule to limit the credit for teaching or preparing for a landscape architecture course or seminar to the "first occurrence." MALA felt no credit should be given for someone repeating essentially the same course or seminar to a different classroom or audience.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed this comment and agreed that the intent was to limit the credit for the first time only. However, in view of the fact that course content and instruction have to periodically change in order to keep up with present day practice and procedures, the board felt credit for teaching or preparing a course should be limited for the first time only per each two (2)-year renewal period. Since it was noted that this limitation was not specifically spelled out in the proposed rule, the board agreed that clarification was necessary and therefore decided to amend paragraph (4)(A)5.

COMMENT #2: MALA suggested that the inclusion of service to the profession by actively serving with the American Society of Landscape Architects (ASLA), MALA, or other, be limited to credit of one (1) continuing education unit (CEU) per annum.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and agreed that the proposed rule should be amended to include service to the profession and therefore decided to add new paragraph (4)(A)9. and renumber the remaining paragraph to (4)(A)10.

COMMENT #3: MALA suggested the board prepare a standardized form that the licensed landscape architect would be required to submit with their renewal. On this standardized form the applicant would declare not only the contact hours, sponsor, topic, and date, but also the Health, Safety, Welfare (HSW) benefit derived from each activity. Should that licensed professional be audited for compliance to this CEU rule, this type of submittal would demonstrate to the auditors what specific HSW benefit that the individual believes he/she gained from the coursework.

RESPONSE: The board has already created a form as suggested by MALA and will provide such form to its landscape architect licensees for their use in reporting and documenting their CEUs. Since the creation of such a form does not require an amendment to the proposed rule, no changes were made as a result of this comment.

20 CSR 2030-11.035 Continuing Education for Landscape Architects

(4) Activities.

(A) The following suggested list may be used by all licensed landscape architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with landscape architectural, architectural, engineering or land surveying subjects, as appropriate to each discipline and sponsored by colleges or universities;
2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the Council of Landscape Architectural Registration Boards (CLARB), American Society of Landscape Architects

(ASLA), or similar organizations devoted to landscape architectural, architectural, engineering, or land surveying education may qualify;

3. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations, or system suppliers;

4. Contact hours spent in self-study courses sponsored by the CLARB, ASLA or similar organizations;

5. Three (3) units preparing for each class hour spent teaching landscape architectural courses or seminars. Credit is allowed for first occurrence of teaching course or seminar per two (2)-year renewal period. College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in landscape architectural research, which is published or formally presented to the profession or public;

7. College or university credit courses dealing with landscape architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, park boards, city council, county commissions or state registration boards;

9. Contact hours, maximum of one (1) per annum, spent actively participating in a technical profession society or organization as an officer or member of a committee; or

10. Contact hours spent in education tours of landscape architecturally significant projects, where the tour is sponsored by a college, university or professional organization.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2030—Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 21—Professional Engineering

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2007, the board adopts a rule as follows:

20 CSR 2030-21.020 Engineer of Record and Specialty Engineers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2008 (33 MoReg 451). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 2—Energy Set-Aside Fund**

IN ADDITION

Notification: Energy-Efficiency Loans for Emergency Situations

In accordance with sections 640.651 to 640.686, RSMo and 10 CSR 140-2.010 to 10 CSR 140-2.030, the Department of Natural Resources is herein publishing terms for assistance from the Energy Set-Aside Loan Fund for emergency situations. Eligible applicants for this assistance are city governments; county governments; public school districts; and public vocational-technical schools, colleges, and universities. By statute, Energy Set-Aside Loan Fund monies may be used to implement cost-effective energy-efficiency projects in buildings or facilities operated by said eligible applicants. Loans must be paid back through energy savings.

This announcement pertains, specifically, to the use of Energy Set-Aside Loan Fund monies to address emergencies. Effective April 15, 2008, the department will consider loan applications involving emergency failure of, or damage to, energy-using systems, equipment, or materials resulting from an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action. The Department of Natural Resources' Energy Center will accept applications for emergency situations on a first-come, first-served basis at any time. The applications must be fully completed in accord with provisions contained in statute (sections 640.651 to 640.686, RSMo) and in rule (10 CSR 140-2.010 to 10 CSR 140-2.030).

Approximately five hundred thousand dollars (\$500,000) is available for energy-efficiency projects under this emergency assistance. The maximum amount for which an individual applicant may apply is two hundred thousand dollars (\$200,000). Upon department review and approval, loan agreements will be awarded until funds are depleted.

Please consult the department's website, <http://www.dnr.mo.gov/energy/financial/loan.htm>, for information about loan interest rates. Interest rates may be changed frequently.

Special conditions for applicants:

- Applications may be submitted only if repair/replacement cannot wait until a normal loan-application cycle. The applicant must submit documentation that clearly justifies the need for an emergency loan. The documentation, at a minimum, must explain the urgent operational hardship or health and safety peril that the situation poses to building occupants. The documentation, at a minimum, also must include information from an engineer explaining the nature of the equipment failure, the severity of the equipment failure, and whether the equipment can be repaired.

- Except in the case of emergency situations resulting from tornadoes, floods, or fire (see below), emergency loans will be confined to heating and air conditioning systems and associated materials.

- In the case of emergency situations resulting from tornadoes or floods, the applicant must be located within a Missouri county declared a disaster area for public assistance by the Federal Emergency

Management Agency. Energy-related systems, equipment, or materials of the building or facility in question must have sustained direct damage during the tornado or flood. Emergency loan funds will not be awarded for any energy-related systems, equipment, or materials that did not sustain direct damage.

- In the case of loan financing requested for energy-using components of a new building, the proposed project must be a direct replacement of a building or buildings whose energy-related systems, equipment, or materials sustained direct damage during a tornado, flood, or fire.

- In all cases, emergency loan funds will not be awarded for any equipment or materials that did not sustain damage during the event that created the emergency situation.

- Loan funds will be awarded only for portions of the project not covered by other funds available to the loan applicant to address the emergency, including but not limited to, insurance coverage, special federal disaster monies, or special state disaster monies.

Eligible applicants may obtain an application packet and additional information about the energy loan program at the Department of Natural Resources' website: <http://www.dnr.mo.gov/energy/financial/loan.htm>.

Eligible applicants also may contact one (1) of the department's Energy Center staff members listed below:

Bernard Thompson, Jefferson City, (573) 751-7466 or (800) 361-4827
David Harrison, Jefferson City, (573) 751-7057 or (800) 361-4827
Bob Painter, Kansas City, (816) 759-7313, ext. 2263
Pat Justis, St. Louis, (314) 340-5930.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DIGI-TRONICS, L.L.C.**

On April 3, 2008, Digi-Tronics, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company in the care of Jeffrey L. Michelman, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Digi-Tronics, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
METRO SPEEDOMETER & ELECTRICAL, LLC**

On March 7, 2008, Metro Speedometer & Electrical, LLC filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against Metro Speedometer & Electrical, LLC must be submitted to the Law Offices of Brian R. Barjenbruch, L.L.C., 201 N. Spring Street, Independence, Missouri 64050. Claims must include:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.
5. Whether the claim is secured, and if so, the collateral used as security.

All claims are subject to verification. All claims against Metro Speedometer & Electrical, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|-----------------|---|-----------|----------------|---------------|---------------|
| 1 CSR 10 | OFFICE OF ADMINISTRATION | | | | 30 MoReg 2435 |
| 1 CSR 10-9.010 | State Officials' Salary Compensation Schedule | | 33 MoReg 407 | This Issue | |
| 1 CSR 10-11.010 | Commissioner of Administration | | 33 MoReg 5R | 33 MoReg 989R | |
| | | | 33 MoReg 5 | 33 MoReg 989 | |
| 1 CSR 10-11.020 | Commissioner of Administration | | 33 MoReg 7 | 33 MoReg 990 | |
| 1 CSR 10-11.030 | Commissioner of Administration | | 33 MoReg 7 | This Issue | |
| 1 CSR 30-2.010 | Division of Facilities Management, Design and Construction | | 32 MoReg 2467R | 33 MoReg 990R | |
| 1 CSR 30-2.020 | Division of Facilities Management, Design and Construction | | 32 MoReg 2467R | 33 MoReg 991R | |
| | | | 32 MoReg 2468 | 33 MoReg 991 | |
| 1 CSR 30-2.030 | Division of Facilities Management, Design and Construction | | 32 MoReg 2468R | 33 MoReg 991R | |
| | | | 32 MoReg 2469 | 33 MoReg 991 | |
| 1 CSR 30-2.040 | Division of Facilities Management, Design and Construction | | 32 MoReg 2470R | 33 MoReg 991R | |
| | | | 32 MoReg 2470 | 33 MoReg 991 | |
| 1 CSR 30-2.050 | Division of Facilities Management, Design and Construction | | 32 MoReg 2473R | 33 MoReg 992R | |
| | | | 32 MoReg 2473 | 33 MoReg 992 | |
| 1 CSR 30-3.010 | Division of Facilities Management, Design and Construction | | 32 MoReg 2473R | 33 MoReg 992R | |
| | | | 32 MoReg 2473 | 33 MoReg 992 | |
| 1 CSR 30-3.020 | Division of Facilities Management, Design and Construction | | 32 MoReg 2474R | 33 MoReg 992R | |
| | | | 32 MoReg 2474 | 33 MoReg 993 | |
| 1 CSR 30-3.025 | Division of Facilities Management, Design and Construction | | 32 MoReg 2476 | 33 MoReg 993 | |
| 1 CSR 30-3.030 | Division of Facilities Management, Design and Construction | | 32 MoReg 2480R | 33 MoReg 993R | |
| | | | 32 MoReg 2481 | 33 MoReg 994 | |
| 1 CSR 30-3.035 | Division of Facilities Management, Design and Construction | | 32 MoReg 2483 | 33 MoReg 994 | |
| 1 CSR 30-3.040 | Division of Facilities Management, Design and Construction | | 32 MoReg 2484R | 33 MoReg 995R | |
| | | | 32 MoReg 2484 | 33 MoReg 995 | |
| 1 CSR 30-3.050 | Division of Facilities Management, Design and Construction | | 32 MoReg 2487R | 33 MoReg 995R | |
| | | | 32 MoReg 2487 | 33 MoReg 995 | |
| 1 CSR 30-3.060 | Division of Facilities Management, Design and Construction | | 32 MoReg 2488R | 33 MoReg 996R | |
| | | | 32 MoReg 2488 | 33 MoReg 996 | |
| 1 CSR 30-4.010 | Division of Facilities Management, Design and Construction | | 32 MoReg 2489R | 33 MoReg 996R | |
| | | | 32 MoReg 2490 | 33 MoReg 996 | |
| 1 CSR 30-4.020 | Division of Facilities Management, Design and Construction | | 32 MoReg 2490R | 33 MoReg 996R | |
| | | | 32 MoReg 2490 | 33 MoReg 996 | |
| 1 CSR 30-4.030 | Division of Facilities Management, Design and Construction | | 32 MoReg 2492R | 33 MoReg 997R | |
| | | | 32 MoReg 2492 | 33 MoReg 997 | |
| 1 CSR 30-4.040 | Division of Facilities Management, Design and Construction | | 32 MoReg 2493R | 33 MoReg 997R | |
| | | | 32 MoReg 2493 | 33 MoReg 997 | |
| 1 CSR 30-5.010 | Division of Facilities Management, Design and Construction | | 32 MoReg 2495R | 33 MoReg 997R | |
| | | | 32 MoReg 2495 | 33 MoReg 998 | |
| 1 CSR 70-1.010 | Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.010</i>) | | 33 MoReg 194 | This Issue | |
| 1 CSR 70-1.020 | Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.020</i>) | | 33 MoReg 197 | This Issue | |
| 2 CSR 30-2.040 | DEPARTMENT OF AGRICULTURE Animal Health | | 33 MoReg 717 | | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|---|---|---------------|---------------|---------------|--------------|
| 2 CSR 70-40.015 | Plant Industries | | 33 MoReg 627 | | |
| 2 CSR 70-40.017 | Plant Industries | | 33 MoReg 628 | | |
| 2 CSR 70-40.025 | Plant Industries | | 33 MoReg 628 | | |
| 2 CSR 70-40.040 | Plant Industries | | 33 MoReg 629 | | |
| 2 CSR 70-40.055 | Plant Industries | | 33 MoReg 630R | | |
| 2 CSR 90-30.040 | Weights and Measures | 33 MoReg 399 | | | |
| 2 CSR 110-2.010 | Office of the Director | | 32 MoReg 1909 | | |
| 2 CSR 110-3.010 | Office of the Director | 33 MoReg 311 | 32 MoReg 1170 | 33 MoReg 101 | |
| DEPARTMENT OF CONSERVATION | | | | | |
| 3 CSR 10-1.010 | Conservation Commission | | This Issue | | |
| 3 CSR 10-5.205 | Conservation Commission | | 33 MoReg 907 | | |
| 3 CSR 10-5.220 | Conservation Commission | | 33 MoReg 907 | | |
| 3 CSR 10-7.432 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.433 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.435 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.437 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.455 | Conservation Commission | | N.A. | 33 MoReg 261 | 33 MoReg 276 |
| 3 CSR 10-11.180 | Conservation Commission | | 32 MoReg 2143 | 33 MoReg 263 | 33 MoReg 685 |
| 3 CSR 10-12.109 | Conservation Commission | | This Issue | | |
| 3 CSR 10-12.135 | Conservation Commission | | This Issue | | |
| 3 CSR 10-12.140 | Conservation Commission | | This Issue | | |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | | | | |
| 4 CSR 240-3.050 | Public Service Commission | | 32 MoReg 2498 | 33 MoReg 740 | |
| 4 CSR 240-3.162 | Public Service Commission | | 32 MoReg 2340 | 33 MoReg 998 | |
| 4 CSR 240-20.091 | Public Service Commission | | 32 MoReg 2354 | 33 MoReg 1009 | |
| 4 CSR 240-23.010 | Public Service Commission | | 33 MoReg 407 | | |
| 4 CSR 240-23.020 | Public Service Commission | | 33 MoReg 8 | 33 MoReg 930 | |
| 4 CSR 240-23.030 | Public Service Commission | | 33 MoReg 18 | 33 MoReg 930 | |
| 4 CSR 240-31.050 | Public Service Commission | | 33 MoReg 26 | 33 MoReg 931 | |
| 4 CSR 240-33.160 | Public Service Commission | | 33 MoReg 522 | | |
| DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION | | | | | |
| 5 CSR 50-270.010 | Division of School Improvement | | 33 MoReg 436 | | |
| 5 CSR 50-320.010 | Division of School Improvement | | 33 MoReg 30R | 33 MoReg 932R | |
| 5 CSR 50-340.050 | Division of School Improvement | | 33 MoReg 439 | | |
| 5 CSR 60-100.020 | Division of Career Education | | 33 MoReg 30 | 33 MoReg 932 | |
| 5 CSR 80-631.010 | Teacher Quality and Urban Education | | This IssueR | | |
| 5 CSR 80-800.200 | Teacher Quality and Urban Education | | 33 MoReg 525 | | |
| 5 CSR 80-800.220 | Teacher Quality and Urban Education | | 33 MoReg 526 | | |
| 5 CSR 80-800.230 | Teacher Quality and Urban Education | | 33 MoReg 526 | | |
| 5 CSR 80-800.260 | Teacher Quality and Urban Education | | 33 MoReg 527 | | |
| 5 CSR 80-800.270 | Teacher Quality and Urban Education | | 33 MoReg 527 | | |
| 5 CSR 80-800.280 | Teacher Quality and Urban Education | | 33 MoReg 527 | | |
| 5 CSR 80-800.285 | Teacher Quality and Urban Education | | 33 MoReg 974 | | |
| 5 CSR 80-800.350 | Teacher Quality and Urban Education | | 33 MoReg 528 | | |
| 5 CSR 80-800.360 | Teacher Quality and Urban Education | | 33 MoReg 528 | | |
| 5 CSR 80-800.380 | Teacher Quality and Urban Education | | 33 MoReg 529 | | |
| 5 CSR 80-850.045 | Teacher Quality and Urban Education | | 33 MoReg 529R | | |
| | | | 33 MoReg 530 | | |
| | | | 33 MoReg 535 | | |
| 5 CSR 80-860.050 | Teacher Quality and Urban Education | | 33 MoReg 535 | | |
| 5 CSR 100-200.170 | Missouri Commission for the Deaf and Hard of Hearing | 33 MoReg 312 | 33 MoReg 323 | 33 MoReg 1019 | |
| 5 CSR 110-1.010 | Missouri Assistive Technology Advisory Council (Changed from 1 CSR 70-1.010) | | 33 MoReg 194 | This Issue | |
| 5 CSR 110-1.020 | Missouri Assistive Technology Advisory Council (Changed from 1 CSR 70-1.020) | | 33 MoReg 197 | This Issue | |
| DEPARTMENT OF HIGHER EDUCATION | | | | | |
| 6 CSR 10-9.010 | Commissioner of Higher Education | | 32 MoReg 2361 | 33 MoReg 838 | |
| 6 CSR 10-10.010 | Commissioner of Higher Education | | 33 MoReg 197 | 33 MoReg 932 | |
| DEPARTMENT OF TRANSPORTATION | | | | | |
| 7 CSR 10-6.060 | Missouri Highways and Transportation Commission | 32 MoReg 2465 | 32 MoReg 2500 | 33 MoReg 838 | |
| 7 CSR 10-25.010 | Missouri Highways and Transportation Commission | | | | 33 MoReg 866 |
| | | | | | 33 MoReg 937 |
| 7 CSR 60-1.010 | Highway Safety Division (Changed from 11 CSR 60-1.010) | | | | 33 MoReg 756 |
| 7 CSR 60-1.020 | Highway Safety Division (Changed from 11 CSR 60-1.020) | | | | 33 MoReg 756 |
| 7 CSR 60-1.030 | Highway Safety Division (Changed from 11 CSR 60-1.030) | | | | 33 MoReg 756 |
| 7 CSR 60-1.040 | Highway Safety Division (Changed from 11 CSR 60-1.040) | | | | 33 MoReg 756 |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|----------------|--|-----------|----------|-------|--------------|
| 7 CSR 60-1.050 | Highway Safety Division (<i>Changed from II CSR 60-1.050</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.060 | Highway Safety Division (<i>Changed from II CSR 60-1.060</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.070 | Highway Safety Division (<i>Changed from II CSR 60-1.070</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.080 | Highway Safety Division (<i>Changed from II CSR 60-1.080</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.090 | Highway Safety Division (<i>Changed from II CSR 60-1.090</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.100 | Highway Safety Division (<i>Changed from II CSR 60-1.100</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-1.110 | Highway Safety Division (<i>Changed from II CSR 60-1.110</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.010 | Highway Safety Division (<i>Changed from II CSR 60-2.010</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.020 | Highway Safety Division (<i>Changed from II CSR 60-2.020</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.030 | Highway Safety Division (<i>Changed from II CSR 60-2.030</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.040 | Highway Safety Division (<i>Changed from II CSR 60-2.040</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.050 | Highway Safety Division (<i>Changed from II CSR 60-2.050</i>) | | | | 33 MoReg 756 |
| 7 CSR 60-2.060 | Highway Safety Division (<i>Changed from II CSR 60-2.060</i>) | | | | 33 MoReg 756 |

DEPARTMENT OF NATURAL RESOURCES

| | | | | | |
|-----------------|-------------------------------------|--|---------------|--------------|------------|
| 10 CSR 10-2.150 | Air Conservation Commission | | This IssueR | | |
| 10 CSR 10-4.140 | Air Conservation Commission | | This IssueR | | |
| 10 CSR 10-5.250 | Air Conservation Commission | | This IssueR | | |
| 10 CSR 10-6.020 | Air Conservation Commission | | 33 MoReg 630 | | |
| 10 CSR 10-6.070 | Air Conservation Commission | | 33 MoReg 908 | | |
| 10 CSR 10-6.075 | Air Conservation Commission | | 33 MoReg 909 | | |
| 10 CSR 10-6.080 | Air Conservation Commission | | 33 MoReg 910 | | |
| 10 CSR 10-6.220 | Air Conservation Commission | | 33 MoReg 643 | | |
| 10 CSR 20-4.010 | Clean Water Commission | | 33 MoReg 198 | | |
| 10 CSR 20-7.031 | Clean Water Commission | | 33 MoReg 205 | | |
| 10 CSR 70-1.010 | Soil and Water Districts Commission | | 32 MoReg 2150 | 33 MoReg 741 | |
| 10 CSR 70-5.010 | Soil and Water Districts Commission | | 32 MoReg 2150 | 33 MoReg 741 | |
| 10 CSR 140-2 | Division of Energy | | | | This Issue |

DEPARTMENT OF PUBLIC SAFETY

| | | | | | |
|------------------|--|--------------|--------------|---------------|--|
| 11 CSR 40-7.010 | Division of Fire Safety | 33 MoReg 967 | 33 MoReg 976 | | |
| 11 CSR 45-4.010 | Missouri Gaming Commission | | 33 MoReg 33 | 33 MoReg 839 | |
| 11 CSR 45-4.020 | Missouri Gaming Commission | | 33 MoReg 33R | 33 MoReg 839R | |
| | | | 33 MoReg 33 | 33 MoReg 839 | |
| 11 CSR 45-4.030 | Missouri Gaming Commission | | 33 MoReg 39 | 33 MoReg 841 | |
| 11 CSR 45-4.040 | Missouri Gaming Commission | | 33 MoReg 41 | 33 MoReg 841 | |
| 11 CSR 45-4.050 | Missouri Gaming Commission | | 33 MoReg 41R | | |
| 11 CSR 45-4.055 | Missouri Gaming Commission (<i>Originally filed as II CSR 45-4.050</i>) | | 33 MoReg 42 | 33 MoReg 842 | |
| 11 CSR 45-4.070 | Missouri Gaming Commission | | 33 MoReg 42 | 33 MoReg 842 | |
| 11 CSR 45-4.080 | Missouri Gaming Commission | | 33 MoReg 42 | 33 MoReg 843 | |
| 11 CSR 45-4.085 | Missouri Gaming Commission | | 33 MoReg 43 | 33 MoReg 843 | |
| 11 CSR 45-4.190 | Missouri Gaming Commission | | 33 MoReg 43 | 33 MoReg 843 | |
| 11 CSR 45-4.200 | Missouri Gaming Commission | | 33 MoReg 44 | 33 MoReg 843 | |
| 11 CSR 45-4.205 | Missouri Gaming Commission | | 33 MoReg 47 | 33 MoReg 844 | |
| 11 CSR 45-4.210 | Missouri Gaming Commission | | 33 MoReg 49 | 33 MoReg 845 | |
| 11 CSR 45-4.230 | Missouri Gaming Commission | | 33 MoReg 51 | 33 MoReg 845 | |
| 11 CSR 45-4.240 | Missouri Gaming Commission | | 33 MoReg 53 | 33 MoReg 846 | |
| 11 CSR 45-4.250 | Missouri Gaming Commission | | 33 MoReg 58 | 33 MoReg 847 | |
| 11 CSR 45-4.260 | Missouri Gaming Commission | | 33 MoReg 58 | 33 MoReg 847 | |
| 11 CSR 45-4.380 | Missouri Gaming Commission | | 33 MoReg 61 | 33 MoReg 847 | |
| 11 CSR 45-4.390 | Missouri Gaming Commission | | 33 MoReg 65 | 33 MoReg 850 | |
| 11 CSR 45-4.400 | Missouri Gaming Commission | | 33 MoReg 65 | 33 MoReg 850 | |
| 11 CSR 45-4.410 | Missouri Gaming Commission | | 33 MoReg 65 | 33 MoReg 850 | |
| 11 CSR 45-4.420 | Missouri Gaming Commission | | 33 MoReg 66 | 33 MoReg 850 | |
| 11 CSR 45-10.020 | Missouri Gaming Commission | | 33 MoReg 66 | 33 MoReg 850 | |
| 11 CSR 45-10.030 | Missouri Gaming Commission | | 33 MoReg 67 | 33 MoReg 851 | |
| 11 CSR 45-10.040 | Missouri Gaming Commission | | 33 MoReg 67 | 33 MoReg 851 | |
| 11 CSR 45-10.051 | Missouri Gaming Commission | | 33 MoReg 68 | 33 MoReg 851W | |
| 11 CSR 45-10.055 | Missouri Gaming Commission | | 33 MoReg 68 | 33 MoReg 852 | |
| 11 CSR 45-10.060 | Missouri Gaming Commission | | 33 MoReg 69 | 33 MoReg 852 | |
| 11 CSR 45-10.080 | Missouri Gaming Commission | | 33 MoReg 69 | 33 MoReg 852 | |
| 11 CSR 45-10.090 | Missouri Gaming Commission | | 33 MoReg 69 | 33 MoReg 852 | |
| 11 CSR 45-10.110 | Missouri Gaming Commission | | 33 MoReg 70 | 33 MoReg 852 | |
| 11 CSR 45-10.115 | Missouri Gaming Commission | | 33 MoReg 70 | 33 MoReg 853 | |
| 11 CSR 45-10.150 | Missouri Gaming Commission | | 33 MoReg 70 | 33 MoReg 853 | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|---|---|---------------|---------------|----------------|--------------|
| 11 CSR 60-1.010 | Division of Highway Safety (Changed to 7 CSR 60-1.010) | | | | 33 MoReg 756 |
| 11 CSR 60-1.020 | Division of Highway Safety (Changed to 7 CSR 60-1.020) | | | | 33 MoReg 756 |
| 11 CSR 60-1.030 | Division of Highway Safety (Changed to 7 CSR 60-1.030) | | | | 33 MoReg 756 |
| 11 CSR 60-1.040 | Division of Highway Safety (Changed to 7 CSR 60-1.040) | | | | 33 MoReg 756 |
| 11 CSR 60-1.050 | Division of Highway Safety (Changed to 7 CSR 60-1.050) | | | | 33 MoReg 756 |
| 11 CSR 60-1.060 | Division of Highway Safety (Changed to 7 CSR 60-1.060) | | | | 33 MoReg 756 |
| 11 CSR 60-1.070 | Division of Highway Safety (Changed to 7 CSR 60-1.070) | | | | 33 MoReg 756 |
| 11 CSR 60-1.080 | Division of Highway Safety (Changed to 7 CSR 60-1.080) | | | | 33 MoReg 756 |
| 11 CSR 60-1.090 | Division of Highway Safety (Changed to 7 CSR 60-1.090) | | | | 33 MoReg 756 |
| 11 CSR 60-1.100 | Division of Highway Safety (Changed to 7 CSR 60-1.100) | | | | 33 MoReg 756 |
| 11 CSR 60-1.110 | Division of Highway Safety (Changed to 7 CSR 60-1.110) | | | | 33 MoReg 756 |
| 11 CSR 60-2.010 | Division of Highway Safety (Changed to 7 CSR 60-2.010) | | | | 33 MoReg 756 |
| 11 CSR 60-2.020 | Division of Highway Safety (Changed to 7 CSR 60-2.020) | | | | 33 MoReg 756 |
| 11 CSR 60-2.030 | Division of Highway Safety (Changed to 7 CSR 60-2.030) | | | | 33 MoReg 756 |
| 11 CSR 60-2.040 | Division of Highway Safety (Changed to 7 CSR 60-2.040) | | | | 33 MoReg 756 |
| 11 CSR 60-2.050 | Division of Highway Safety (Changed to 7 CSR 60-2.050) | | | | 33 MoReg 756 |
| 11 CSR 60-2.060 | Division of Highway Safety (Changed to 7 CSR 60-2.060) | | | | 33 MoReg 756 |
| DEPARTMENT OF REVENUE | | | | | |
| 12 CSR 10-23.395 | Director of Revenue | | 32 MoReg 323R | 33 MoReg 1019R | |
| 12 CSR 10-26.020 | Director of Revenue | | 33 MoReg 324 | 33 MoReg 1019 | |
| 12 CSR 10-26.060 | Director of Revenue | | 33 MoReg 324 | 33 MoReg 1019 | |
| 12 CSR 10-41.010 | Director of Revenue | 32 MoReg 2327 | 32 MoReg 2367 | 33 MoReg 681 | |
| 12 CSR 30-1.010 | State Tax Commission | | 33 MoReg 325 | 33 MoReg 1019 | |
| 12 CSR 30-1.020 | State Tax Commission | | 33 MoReg 325 | 33 MoReg 1019 | |
| 12 CSR 30-2.021 | State Tax Commission | | 33 MoReg 326 | 33 MoReg 1020 | |
| 12 CSR 30-3.010 | State Tax Commission | | 33 MoReg 326 | 33 MoReg 1020 | |
| 12 CSR 30-4.010 | State Tax Commission | | 33 MoReg 327 | 33 MoReg 1020 | |
| DEPARTMENT OF SOCIAL SERVICES | | | | | |
| 13 CSR 30-4.010 | Child Support Enforcement | | This IssueR | | |
| 13 CSR 70-3.100 | Division of Medical Services | | 33 MoReg 328 | 33 MoReg 1020 | |
| 13 CSR 70-3.170 | MO HealthNet Division | | 33 MoReg 785 | | |
| 13 CSR 70-3.190 | Division of Medical Services | | 33 MoReg 329 | | |
| 13 CSR 70-4.080 | Division of Medical Services | | 33 MoReg 542 | | |
| 13 CSR 70-4.120 | MO HealthNet Division | | 33 MoReg 440 | | |
| 13 CSR 70-5.010 | MO HealthNet Division | | 33 MoReg 545 | | |
| 13 CSR 70-15.020 | MO HealthNet Division | | 33 MoReg 545 | | |
| 13 CSR 70-45.010 | MO HealthNet Division | | 33 MoReg 789 | | |
| 13 CSR 70-92.010 | Division of Medical Services | | 33 MoReg 213 | This Issue | |
| 13 CSR 70-95.010 | Division of Medical Services | | 33 MoReg 217 | 33 MoReg 1020 | |
| 13 CSR 70-97.010 | MO HealthNet Division | | 33 MoReg 548 | | |
| ELECTED OFFICIALS | | | | | |
| 15 CSR 30-51.170 | Secretary of State | | 33 MoReg 910 | | |
| 15 CSR 30-51.172 | Secretary of State | | 33 MoReg 913 | | |
| 15 CSR 30-52.030 | Secretary of State | | 32 MoReg 2501 | 33 MoReg 742 | |
| RETIREMENT SYSTEMS | | | | | |
| 16 CSR 20-2.010 | Missouri Local Government Employees' Retirement System (LAGERS) | | 33 MoReg 723 | | |
| 16 CSR 20-2.015 | Missouri Local Government Employees' Retirement System (LAGERS) | | 33 MoReg 724 | | |
| 16 CSR 50-2.110 | The County Employees' Retirement Fund | | 33 MoReg 333 | 33 MoReg 1020 | |
| PUBLIC DEFENDER COMMISSION | | | | | |
| 18 CSR 10-2.010 | Office of State Public Defender | | 33 MoReg 333 | | |
| 18 CSR 10-4.010 | Office of State Public Defender | 33 MoReg 313 | 33 MoReg 334 | | |
| DEPARTMENT OF HEALTH AND SENIOR SERVICES | | | | | |
| 19 CSR 20-20.020 | Division of Community and Public Health | | 32 MoReg 2501 | 33 MoReg 853 | |
| 19 CSR 20-20.080 | Division of Community and Public Health | | 32 MoReg 2503 | 33 MoReg 853 | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|--|---|--|----------------|---------------|--|
| 19 CSR 30-20.125 | Division of Regulation and Licensure | | 33 MoReg 550 | | |
| 19 CSR 30-82.010 | Division of Regulation and Licensure | | 33 MoReg 790 | | |
| 19 CSR 30-83.010 | Division of Regulation and Licensure | | 33 MoReg 792 | | |
| 19 CSR 30-84.020 | Division of Regulation and Licensure | | 33 MoReg 793 | | |
| 19 CSR 30-84.030 | Division of Regulation and Licensure | | 33 MoReg 798 | | |
| 19 CSR 30-85.022 | Division of Regulation and Licensure | | 33 MoReg 812 | | |
| 19 CSR 30-85.032 | Division of Regulation and Licensure | | 33 MoReg 817 | | |
| 19 CSR 30-86.012 | Division of Regulation and Licensure | | 33 MoReg 819 | | |
| 19 CSR 30-86.022 | Division of Regulation and Licensure | | 33 MoReg 820 | | |
| 19 CSR 30-86.032 | Division of Regulation and Licensure | | 33 MoReg 827 | | |
| 19 CSR 30-86.045 | Division of Regulation and Licensure | | 33 MoReg 829 | | |
| 19 CSR 30-86.047 | Division of Regulation and Licensure | | 33 MoReg 830 | | |
| 19 CSR 30-88.010 | Division of Regulation and Licensure | | 33 MoReg 836 | | |
| 19 CSR 40-7.040 | Division of Maternal, Child and Family Health | | | | |
| 19 CSR 40-7.050 | Division of Maternal, Child and Family Health | 32 MoReg 2028 | 32 MoReg 2373 | 33 MoReg 742 | |
| 19 CSR 40-7.060 | Division of Maternal, Child and Family Health | 32 MoReg 2028 | 32 MoReg 2374 | 33 MoReg 742 | |
| 19 CSR 40-7.060 | Division of Maternal, Child and Family Health | 32 MoReg 2029 | 32 MoReg 2375 | 33 MoReg 743 | |
| 19 CSR 40-10.010 | Division of Maternal, Child and Family Health | 32 MoReg 2030 32 MoReg 2327T 32 MoReg 2328 | 32 MoReg 2376 | 33 MoReg 853 | |
| 19 CSR 60-50 | Missouri Health Facilities Review Committee | | | | 33 MoReg 868 33 MoReg 938 |
| 19 CSR 73-2.015 | Missouri Board of Nursing Home Administrators | | 33 MoReg 334 | | |
| 19 CSR 73-2.020 | Missouri Board of Nursing Home Administrators | | 33 MoReg 338 | | |
| 19 CSR 73-2.025 | Missouri Board of Nursing Home Administrators | | 33 MoReg 338 | | |
| 19 CSR 73-2.031 | Missouri Board of Nursing Home Administrators | | 33 MoReg 339 | | |
| 19 CSR 73-2.050 | Missouri Board of Nursing Home Administrators | | 33 MoReg 339 | | |
| 19 CSR 73-2.051 | Missouri Board of Nursing Home Administrators | | 33 MoReg 341 | | |
| 19 CSR 73-2.053 | Missouri Board of Nursing Home Administrators | | 33 MoReg 341 | | |
| 19 CSR 73-2.055 | Missouri Board of Nursing Home Administrators | | 33 MoReg 342 | | |
| 19 CSR 73-2.060 | Missouri Board of Nursing Home Administrators | | 33 MoReg 342 | | |
| 19 CSR 73-2.070 | Missouri Board of Nursing Home Administrators | | 33 MoReg 343 | | |
| 19 CSR 73-2.080 | Missouri Board of Nursing Home Administrators | | 33 MoReg 343 | | |
| 19 CSR 73-2.085 | Missouri Board of Nursing Home Administrators | | 33 MoReg 344 | | |
| 19 CSR 73-2.090 | Missouri Board of Nursing Home Administrators | | 33 MoReg 344 | | |
| 19 CSR 73-2.120 | Missouri Board of Nursing Home Administrators | | 33 MoReg 345 | | |
| DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION | | | | | |
| 20 CSR | Construction Claims Binding Arbitration Cap | | | | 32 MoReg 667 33 MoReg 150 |
| 20 CSR | Medical Malpractice | | | | 30 MoReg 481 31 MoReg 616 32 MoReg 545 |
| 20 CSR | Sovereign Immunity Limits | | | | 30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150 |
| 20 CSR | State Legal Expense Fund Cap | | | | 32 MoReg 668 33 MoReg 150 |
| 20 CSR 10-1.010 | General Administration | | 32 MoReg 2252 | 33 MoReg 743 | |
| 20 CSR 10-1.020 | General Administration | | 32 MoReg 2255R | 33 MoReg 744R | |
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| 2 CSR 90-30.040 | Quality Standards for Motor Fuels | .33 MoReg 399 | Jan. 14, 2008 July 11, 2008 |
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| 2 CSR 110-3.010 | Description of General Organization; Definitions; Requirements and Exemptions; Enforcement Provisions . . .33 | MoReg 311 | Jan. 1, 2008 June 28, 2008 |
| Department of Elementary and Secondary Education | | | |
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| 5 CSR 100-200.170 | Skill Level Standards | .33 MoReg 312 | Jan. 1, 2008 June 28, 2008 |
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| 11 CSR 40-7.010 | Blasting-Licensing, Registration, Notification, Requirements, and Penalties | .33 Moreg 967 | July 1, 2008 Jan. 1, 2009 |
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| 12 CSR 10-41.010 | Annual Adjusted Rate of Income | .32 MoReg 2327 | Jan. 1, 2008 June 28, 2008 |
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| 18 CSR 10-4.010 | Rule for the Acceptance of Cases and Payment of Private Counsel Litigation Costs | .33 MoReg 313 | Dec. 28, 2007 June 30, 2008 |
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| 20 CSR 500-7.020 | Scope and Definitions | .33 MoReg 507 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-7.030 | General Instructions | .33 MoReg 507 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-7.050 | Disclosure of Premiums and Charges | .33 MoReg 508 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-7.060 | Disclosure of Coverage Limitation | .33 MoReg 509 | Jan. 28, 2008 July 25, 2008 |
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| 20 CSR 500-7.100 | Rate Schedules | .33 MoReg 511 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-7.130 | Insurance and Closing Protection Form Filings | .33 MoReg 514 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-7.200 | Standards For Policy Issuance | .33 MoReg 515 | Jan. 28, 2008 July 25, 2008 |
| 20 CSR 500-8.100 | Applications for License | .33 MoReg 519 | Jan. 28, 2008 July 25, 2008 |
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| 22 CSR 10-2.010 | Definitions | .33 MoReg 314 | Jan. 1, 2008 June 28, 2008 |
| 22 CSR 10-2.020 | Subscriber Agreement and General Membership Provisions .33 | MoReg 314 | Jan. 1, 2008 June 28, 2008 |
| 22 CSR 10-3.010 | Definitions | .33 MoReg 315 | Jan. 1, 2008 June 28, 2008 |
| 22 CSR 10-3.020 | Subscriber Agreement and General Membership Provisions .33 | MoReg 315 | Jan. 1, 2008 June 28, 2008 |

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| 08-01 | Establishes the post of Missouri Poet Laureate | January 8, 2008 | 33 MoReg 401 |
| 08-02 | Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008 | January 11, 2008 | 33 MoReg 403 |
| 08-03 | Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008 | January 11, 2008 | 33 MoReg 405 |
| 08-04 | Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer | February 6, 2008 | 33 MoReg 619 |
| 08-05 | Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities | February 11, 2008 | 33 MoReg 621 |
| 08-06 | Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property | February 12, 2008 | 33 MoReg 623 |
| 08-07 | Declares that a state of emergency exists in the state of Missouri. | February 12, 2008 | 33 MoReg 625 |
| 08-08 | Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008 | February 20, 2008 | 33 MoReg 715 |
| 08-09 | Establishes the Missouri Civil War Sesquicentennial Commission | March 6, 2008 | 33 MoReg 783 |
| 08-10 | Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated | March 18, 2008 | 33 MoReg 895 |
| 08-11 | Calls organized militia into active service | March 18, 2008 | 33 MoReg 897 |
| 08-12 | Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency | March 21, 2008 | 33 MoReg 899 |
| 08-13 | Expands the number of state employees allowed to participate in the Missouri Mentor Initiative | March 27, 2008 | 33 MoReg 901 |
| 08-14 | Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated | April 1, 2008 | 33 MoReg 903 |
| 08-15 | Calls organized militia into active service | April 1, 2008 | 33 MoReg 905 |
| 08-17 | Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15 | April 29, 2008 | This Issue |
| 08-18 | Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency | May 13, 2008 | Next Issue |

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| 07-01 | Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies | January 2, 2007 | 32 MoReg 295 |
| 07-02 | Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated | January 13, 2007 | 32 MoReg 298 |
| 07-03 | Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities | January 13, 2007 | 32 MoReg 299 |
| 07-04 | Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period | January 13, 2007 | 32 MoReg 301 |
| 07-05 | Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation | January 30, 2007 | 32 MoReg 406 |
| 07-06 | Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue | January 30, 2007 | 32 MoReg 408 |
| 07-07 | Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety | January 30, 2007 | 32 MoReg 410 |
| 07-08 | Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12 | February 6, 2007 | 32 MoReg 524 |
| 07-09 | Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet | February 23, 2007 | 32 MoReg 571 |

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| 07-10 | Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services | February 23, 2007 | 32 MoReg 573 |
| 07-11 | Designates members of staff with supervisory authority over selected state agencies | February 23, 2007 | 32 MoReg 576 |
| 07-12 | Orders agencies to support measures that promote transparency in health care | March 2, 2007 | 32 MoReg 625 |
| 07-13 | Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States | March 6, 2007 | 32 MoReg 627 |
| 07-14 | Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually | April 11, 2007 | 32 MoReg 757 |
| 07-15 | Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members | April 23, 2007 | 32 MoReg 839 |
| 07-16 | Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety | June 7, 2007 | 32 MoReg 1090 |
| 07-17 | Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding | May 7, 2007 | 32 MoReg 963 |
| 07-18 | Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5 | May 7, 2007 | 32 MoReg 965 |
| 07-19 | Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief | May 7, 2007 | 32 MoReg 967 |
| 07-20 | Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency | May 7, 2007 | 32 MoReg 969 |
| 07-21 | Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System | July 11, 2007 | 32 MoReg 1389 |
| 07-22 | Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007 | July 3, 2007 | 32 MoReg 1391 |
| 07-23 | Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007 | July 3, 2007 | 32 MoReg 1393 |
| 07-24 | Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs | July 11, 2007 | 32 MoReg 1394 |
| 07-25 | Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated | August 24, 2007 | 32 MoReg 1902 |
| 07-26 | Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs | August 30, 2007 | 32 MoReg 1904 |
| 07-27 | Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne | September 7, 2007 | 32 MoReg 2035 |
| 07-28 | The Executive Order denoted 05-16 is hereby rescinded | September 10, 2007 | 32 MoReg 2037 |
| 07-29 | Amends the membership and the duties of the Governor's Advisory Council on Aging | September 17, 2007 | 32 MoReg 2038 |
| 07-30 | Lists members of staff having supervisory authority over departments, divisions or agencies | September 13, 2007 | 32 MoReg 2041 |
| 07-31 | Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities | October 10, 2007 | 32 MoReg 2217 |
| 07-32 | Declares that state offices will be closed on Friday, November 23, 2007 | October 23, 2007 | 32 MoReg 2339 |
| 07-33 | Declares that state offices will be closed on Monday December 24, 2007 | December 4, 2007 | 33 MoReg 185 |
| 07-34 | Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007 | December 9, 2007 | 33 MoReg 186 |
| 07-35 | Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007 | December 9, 2007 | 33 MoReg 188 |

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| 07-36 | Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007 | December 10, 2007 | 33 MoReg 190 |
| Emergency Declaration | Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced | December 10, 2007 | 33 MoReg 192 |
| 07-37 | Designates members of staff with supervisory authority over selected state agencies | December 26, 2007 | 33 MoReg 317 |
| 07-38 | Extends Executive Order 07-01 through January 1, 2009 | December 29, 2007 | 33 MoReg 319 |
| 07-39 | Extends Executive Orders 07-34 and 07-36 through February 15, 2008 | December 28, 2007 | 33 MoReg 321 |

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Summary of Comments

- When comments are received concerning the proposed rulemaking, a brief statement summarizing the comments should be provided. If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- After the summary of comments, individual comments are then printed with a response to the comment. Similar comments may be summarized as one (1) comment.

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6/2/08

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